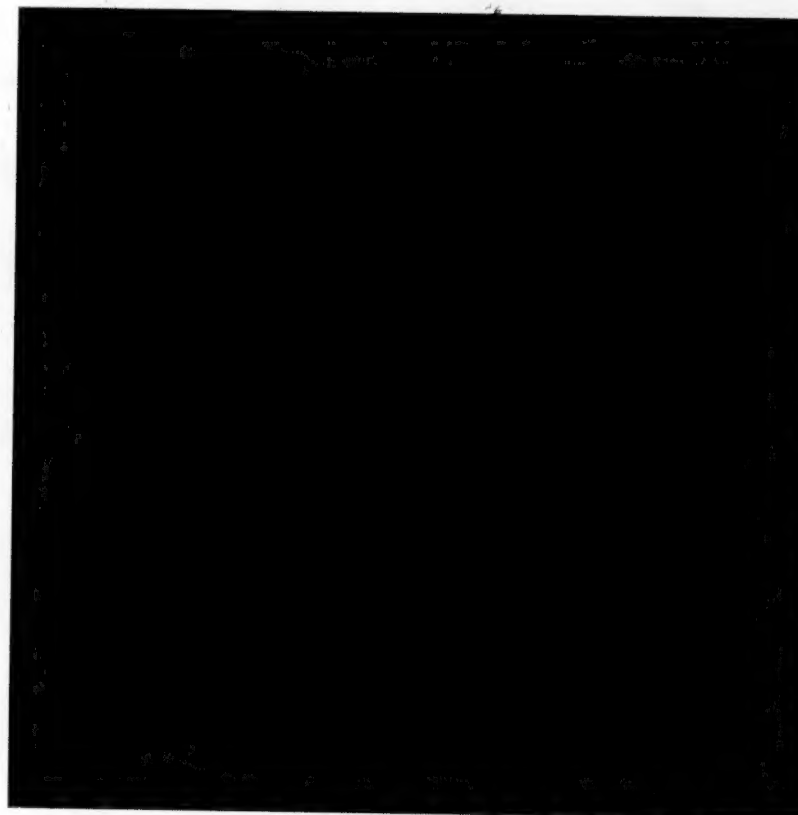
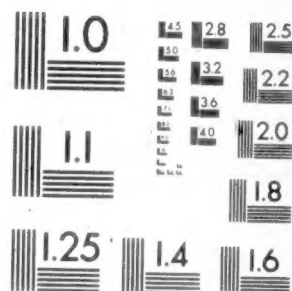
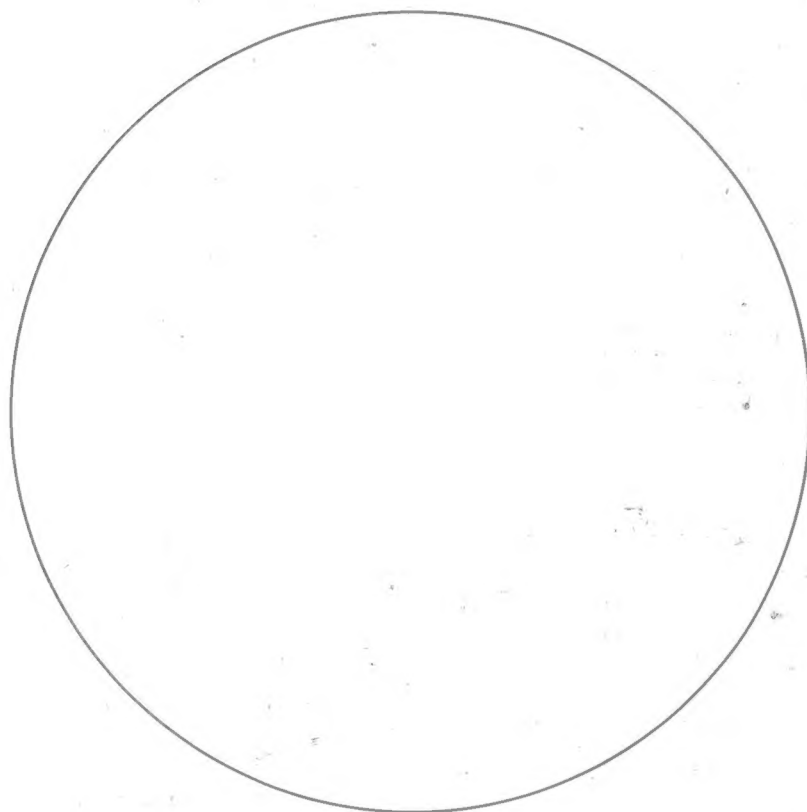
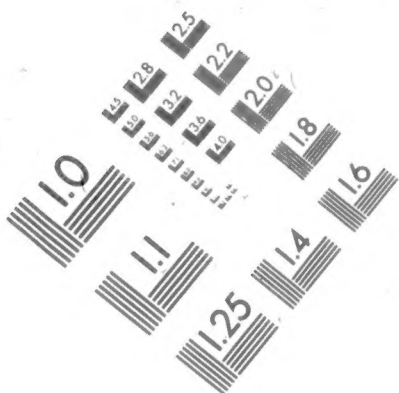
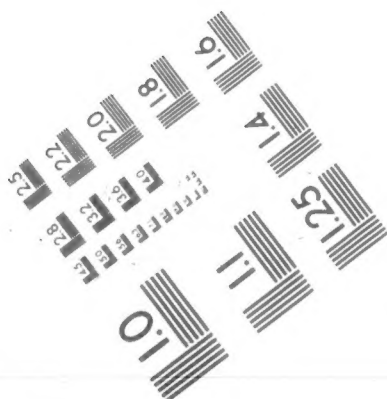




NATIONAL ARCHIVES CENTER
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY
PHOTOGRAPHIC SCIENCES CORPORATION
770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK, 14580



NATIONAL ARCHIVES MICROFILM PUBLICATIONS
Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 335

CHEROKEE R150 - R200

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Char R 150

Char R 150

a

R-150

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 21 1900

[Signature]
CHIEF OF BUREAU
U.S. DEPT. OF THE INTERIOR

[Vertical signature]

[Large handwritten signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 19th, 1900.

IN THE MATTER OF THE APPLICATION OF James W. Skinner and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A James W. Skinner.
Q How old are you? A Fifty eight.
Q What is your Postoffice? A Adair.
Q In what district do you live? A Cooweescoowee.
Q For whom do you apply for enrollment?
A Myself and five children.
Q Your self and five children? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A No sir; adoption.
Q White? A Yes sir.
Q Have you any marriage liscence and certificate? A No sir.
Q Were you married prior to 1880? A Yes sir.
Q Is your wife dead? A Yes sir.
Q Give me the name of your father please? A Nathaniel Skinner.
Q Is he dead or living? A He is dead.
Q Your mother's given name? A Rosa.
Q Is she dead or living? A She is dead.
Q In what district were you in 1880? A Cooweescoowee.
Q Enrolled from Cooweescoowee in 1896, too, were you? A Yes sir.
Q Give me the names of your children, please? A ~~Morgan Skinner~~.
A Tom Fox Skinner.
Q How old is he? A Eighteen.
Q The next child? A Morgan Desha.
Q How old is that child? A Sixteen.
Q The next child? A Galuga T.
Q How old is that child? A Fourteen.
Q Your next child? A Betty Ann.
Q How old is she? A Twelve.
Q The next child? A Mary N.
Q How old is that child? A Six.
Q Which one is dead? A James N.
Q These five children are all living, now, are they? A Yes sir.
Q Now give me the name of the mother of these children?
A Lucy C. Skinner.
Q She was your wife in 1880, was she? A Yes sir.
Q Cherokee or white woman? A Cherokee.
Q When did she die? A In 1896.
Q Is she on the roll of 1896, or did she died before that?
A She died July 29th, 1896.
Q When were you married to her? A 1876.
Q Have you and she lived together as husband and wife from the time of your marriage until her death? A Yes sir.
Q And you lived all the time in the Cherokee Nation?
A Cooweescoowee District, Cherokee Nation; yes sir.
Q (1880 Roll, Page 170, #2521, J. W. Skinner, Cooweescoowee D'st)
Q (1880 Roll, Page 170, #2522, Lucy Skinner, " "
Q (1896 Roll, Page 323, #913, James W. Skinner, " "
Q (1896 Roll, Page 250, #4256, Tom F. Skinner, " "
Q (1896 Roll, Page 250, #4257, Morgan Skinner, " "
Q (1896 Roll, Page 250, #4258, Galuga Skinner, " "
Q (1896 Roll, Page 250, #4259, Bettia A. Skinner, " "
Q (1896 Roll, Page 250, #4261, Mary A. Skinner, " "
Q Have you ever married again? A Yes sir.
Q What is the name of your second wife? A Lina Skinner.
Q Cherokee or white woman? A White woman.
Q When did you marry your present wife? A Two years ago.
Q The applicant applies for the enrollment of himself and five children: He is identified on the rolls of 1880 and 1896, as a Cherokee by adoption: His Cherokee wife is identified on the roll of 1880, with him, and she died prior to the roll of 1896. He states that within the last two years, he has remarried, and that

his present wife is a white woman, and not a Cherokee citizen. Under the Cherokee Law, Section 666 of the 1892 Edition, the applicant is considered to have lost this right to enrollment as a Cherokee citizen, and the application for his own enrollment is rejected.

As regards his children, all five of them, as enumerated in the testimony, are identified with him on the roll of 1896: They are all living at this time, and they will be listed ~~at this time~~ for enrollment as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Brown

Subscribed and sworn to before me
this 21st day of September, 1900.

C. H. Munie

COMMISSIONER.

B

P 150

1000000

10 1000

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 19 1900 1900.

57 Name James W. Skinner, Adair 29

District COOWEESCOOWEE. Year 1880 Page 70 No. 2521

Citizen by blood No Mother's citizenship Nathaniel Skinner - w-8

Intermarried citizen Yes Rosa " - w-8

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1880 Roll as J. W. Skinner,

R150

INLET

The City of New Orleans

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of James W. Skinner, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. P. 150, it is entitled James W. Skinner, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 150.

(COPY)

R 180

Muskogee, Indian Territory.

February 14, 1902.

James W. Skinner,

Adair, Indian Territory.

Sir:

On the 19th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1876 to your then wife, Lucy C. Skinner, a citizen by blood of the Cherokee Nation. It also appears that said Lucy C. Skinner died on the 29th day of July, 1896; that you are identified on the authenticated Cherokee roll of 1880, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal

authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony that you were subsequently married in the year 1892 to your second wife, Lina Skinner, a white woman. The rights of citizenship that you acquired by your marriage to Lucy C. Skinner were forfeited by your subsequent marriage to Lina Skinner. The Cherokee law as applicable in this case is as follows:

Section 666: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be) having no rights of

Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in this case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) ~~James B. Rusk~~ I. B. Needles

~~Assistant Commissioner.~~

Commissioner in Charge.

Enclosure

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of James W. Skinner for enrollment as citizen of the
Cherokee Nation

Cherokee An

R150

Attorney for Cherokee Nation

Refer in reply to the following.

Land.
11488-1902.
11725-1902.
11750-1902.
11751-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, March 21, 1903.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to Office report of even date transmitting the record relative to 129 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 47 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adaline Abel	43	Alfred D. Stewart
43	Martha A. Hunter	46	Edward E. Kump
47	Evie Hall	52	Annie Nelson
56	Burford L. Sumnerhill	58	David Goff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
111	Missouri Williams	115	Daniel A. LaBarge
129	George B. Tell	131	Lula Roberts
140	Robert Klaus, Sr.	150	James T. Skinner

Number	Name	Number	Name.
153	George H. Warren	166	William R. Stuart
176	George W. Gibbnay	240	Frank Corban
248	John Hunt	251	John F. Rice
254	Enos W. Parsons	262	Richard E. Carrington
264	Lambert T. Kirkhead	270	Ben Hall
272	Elizabeth Hall	295	William B. Wallace, Sr.
324	Silas T. Busby	357	Cansada Youngblood
368	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
455	John F. Stevenson	456	Frank W. Garrison
467	Samuel W. Carpenter	475	Lillie Wood
483	Ed Gwartney	522	William J. Hocking
544	Samuel E. Swenson	539	Mary S. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 20, 1898, (30 Stat., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

-5-

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

(This section governs the cases transmitted, herewith,

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

C. A. T. (E.)

L.R.S.

18089.

F.

J.P.

Department of the Interior.

Washington.

March 26, 1902.

I. T. D. 1778-1902.
D. C. 5320-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

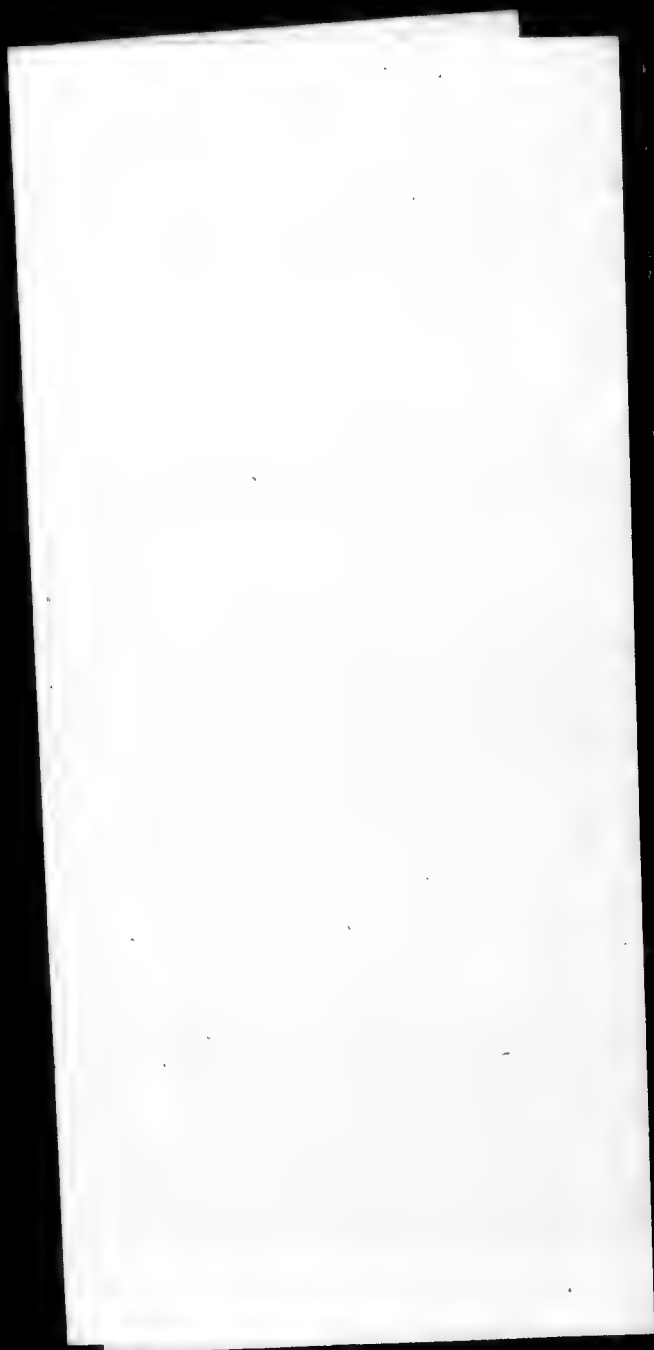
Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of James W. Skinner, R 150, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F.L. Campbell.

Acting Secretary.
E. M. D.



18089.

F.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T.D. 1759-1902.

March 26, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-R 30.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stat., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see " Laws of the Cherokee Nation " published by the act of the National Council in 1892), provides:

" Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell.

Acting Secretary.

F.L.D.

1 inclosure.

Cherokee-R-150.

Muskogee, Indian Territory, April 10, 1902.

Mr. James W. Skinner,

Adair, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

Handwritten initials

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEROKEE-R-150.

ALPHABETICALLY
CHEROKEE-R-150

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of James W. Skinner, Cherokee No. R 150, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,

Handwritten signature

Commissioner in Charge.

Cher R 151

Cher R 151

h others drew so a money for the t at I didn't get, my name was on it.

The applicant is not identified upon any rolls which are accessible to the Commission, and it does not appear that she has even been admitted to membership in the Grand Army of the Republic, nor that she has ever applied to any of the local Grand Army organizations. She stated that she has a husband, if he were not dead, and that she is upon the rolls of the Grand Army of the Republic, but not on the rolls of 1890, 1894 or 1901. It could not be ascertained that the Commission have permitted her to enjoy any other benefits, but giving her the benefit of the doubt, that her name is on a roll not accessible to the Commission, the Commission will not consider her a member, that she lost the Grand Army card and application years ago and did not renew it, and the rolls will remain until it is the present month. She has not applied for a card, and will likely be considered a probationary member, and the Commission will not consider her a member until she has applied for a card and the Commission has received it. She has not applied for a card, and the Commission will not consider her a member until she has applied for a card and the Commission has received it. She has not applied for a card, and the Commission will not consider her a member until she has applied for a card and the Commission has received it.

the Commission has been very busy, and it is not possible to have a meeting with the Commission on the 15th of the month. The Commission will be in a position to meet on the 16th of the month, and it is hoped that the Commission will be able to meet on the 16th of the month.

Anna Jones
June 10, 1870.

Chickadee

70. 1961-1962.

L

677

CHEROKEES BY BLOOD AND ADOPTION.

Date.. SEP 19 1900

Name _____

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage .

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of CLARA A. WARD
as a citizen of the Cherokee Nation.

Commission: Upon an examination of the Cherokee pay roll
of the year 1883, Cooweescoowee District, it is found that the
name of C. E. Ward, appears on said roll, as No. 2218. Just
preceding her name appear the names of W. W. Ward and Henry E.
Ward.

D. E. WARD, being duly sworn, testified as follows on part
of applicant:

Mr. W. W. Hastings, Cherokee Representative, present.

BY THE COMMISSION:

Q What is your name? A D. E. Ward.

Q How old are you? A I am 47.

Q What is your post office address? A Tahlequah.

Q Are you related to the applicant in this case, Clara A. Ward?

A She is my sister.

Q On the roll of 1883 with the names of W. W. Ward and Henry E.
Ward appears the name of one C. E. Ward; do you know whether that
C. E. Ward is the identified person that is mentioned in this appli-
cation as Clara A. Ward? A Yes, sir.

Q How do you know that? A Why in giving to the Census Committee;
it is in connection with the two brothers, and they give them in in-
families, and for some years after the payment, I don't know just
how long, the money remained unclaimed and it was receipted for by
Henry J. Ward, the name appearing above that.

Q Was there any one in your family by the name of C. E. Ward?

A No, sir, C. A. was the only one.

Q Do you desire to make a statement relative to this application?

A I do.

Q Proceed: A In 1862, on September 2d, James Ward, ~~Marxist~~ ^{Moravian} Missionary, was killed while there living on the Spring
place, what is now known as Oaks, Indian Territory, leaving his wife
and five children, Ester Ward, Lee Ward, D. E. Ward, then aged 7,
Lydie, age 5, and Clara A., age 3, and two twin babies, about
three months old, respectively Henry H. J. and H. W.; that after his
death my mother moved to Wesalem, Illinois, taking these children
to the nearest Moravian settlement, and there in January of
'64, she died leaving these children all orphans. The Moravian
church then took charge of all five of the children and we are enti-
tled, that is, Moravian Missionary's children are entitled to five
years education free of all cost, the boys at Nazareth Hill, Penn-
sylvania, and the girl at Hope, Indiana. The Moravian church
then sent us to those schools in the summer, I went to Nazareth Hill
which left these four children together. The two girls, Lydia A.
and Clara A., attended Hope, Indiana, and they were there five years;
let's see, she must have been about ten years old I suppose when
she went to Hope, and she stayed there five years and after
leaving Hope she was taken then by William Henry Rice, the Moravian
Minister, who adopted her in a manner. She stayed with that family
until after she become of age and having no money of her own and
only becoming a member of that family as a domestic--you might say,
not as a domestic, but as an adopted child, they expecting to make
a domestic of her--she became anxious to acquire a profession by which

she could acquire her own living. She then gained entrance at the Belleville Hospital as a trained nurse. She then, I don't know how long, four years I think, she had to serve there as a trained nurse before they were allowed to take cases and she followed that profession on up and is following it yet. They get as their services from \$20 to \$25 a week when she is occupied. She has always considered this as her home in all her letters and communications. Since becoming of age she has never made her home anywhere else; has no other home other than the Cherokee Nation.

Q Has she ever lived here at all since she went away? A No, sir.

Q Where is she at this time? A She is in New York City; she came here to make her home about two years ago.

Q How long did she remain? A She remained a little over a year.

Q And has not been back since? A No, sir; she is waiting now the decision in the case.

Q If she is rejected she does not expect to come back? A No; following her profession here, it is not of course, -they can only follow that profession as long as they are in health; they get after a while get too old to serve and she wants to continue her occupation as long as she is able to follow it.

Q Now, when this money was paid to her in 1883 she was not in the Cherokee Nation at that time? A No, sir, it was receipted for by my brother.

Q And sent to her? A Yes, sir; I think at that time she was in Belleville Hospital.

Commission: It appears from the testimony in this case that Clara A. Ward is identified on the Cherokee roll of 1883. In view of this fact it would appear that the Commission has jurisdiction over her application and that she is properly listed for rejection on a rejected card. It is, therefore, directed that Cherokee Memorandum case No. 454, to which she was transferred March 5, 1902, by reason of the fact that she was not identified on any of the tribal rolls of the Cherokee Nation, be canceled, and that her name be again transferred to a rejected card.

---0000 0000---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson
Stenographer.

Cherokee B-151.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 19, 1900, Clara A. Ward appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11, 1902.

The evidence shows that the said Clara A. Ward is a Cherokee by blood. She is identified on the Cherokee tribal roll of 1883.

The evidence further shows that the said Clara A. Ward has not resided in the Cherokee Nation or Indian Territory for more than thirty years next before the application herein.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation should be denied under the provision of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

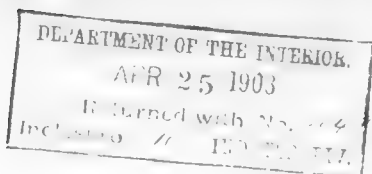
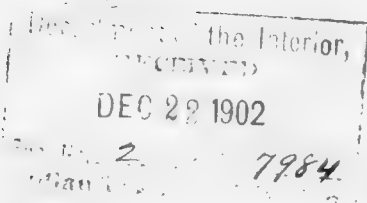
this NOV 20 1902

Cherokee R. 151

In the Matter
of the Application
of Clara A. Wood
for enrollment
as a Cherokee.

Petition re-hearing

27959



J. D. Darrup At
For Applicant

Cherokee D-151.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the Application)
of Clara A. Ward for Enrollment as)
a citizen by blood of the Cherokee)
Nation.

PETITION FOR A HEARING.

To the Honorable, The Secretary of The Interior:-

Your petitioner, Clara A. Ward, most respectfully
prays that the decision and judgment of the Commission to the Five
Civilized Tribes rendered on the 20th day of November, 1907, be
reversed, set aside and a re-hearing granted so hereafter that a deci-
-sion and judgment rendered hereinafter enrolling your petitioner as a
citizen of the Cherokee Nation, and as reasoner for one who is to be
enrolled by your honor, she says:

First:- That the Commission erred when they held that
applicant was not entitled to be enrolled as a citizen of the Cherokee
Nation, and that Paragraph 9, of Section 21, of the Act of Congress
of June the 28th 1898, applied to and affected the right of your
petitioner to be enrolled.

Second:-

That the Commission erred in holding that Applicant was not
entitled to be enrolled as a citizen by blood of the Cherokee Nation
because she was not a member of any of the Five Civilized Tribes, and to
other

That the Commission erred in holding that Applicant was not
entitled to be enrolled as a citizen by blood of the Cherokee Nation
because she was not a member of any of the Five Civilized Tribes, and to
other

That the Commission erred in holding that Applicant was not
entitled to be enrolled as a citizen by blood of the Cherokee Nation
because she was not a member of any of the Five Civilized Tribes, and to
other

entitled to all the rights of citizenship.

James O. Sampson
Attorney for Applicant.

27989

DIRECTOR'S OFFICE, RECEIVED.	
DEC 22 1902	
FILE NO. 1	7984
DEPT. OF THE INTERIOR.	
A 25 1903	

CHEROKEE R. 151.

DEPARTMENT OF THE INTERIOR. COMMISSION TO FIVE CIVILIZED
TRIBES.

In the matter of the enrollment of Clara A. Ward,
as a Citizen of the Cherokee Nation.

BRIEF ON BEHALF OF APPLICANT.

---ooOoo---

This case presents a somewhat different question to any question of which it has been my privilege to examine, and the facts seem to be different to any other case before the Commission. In this the Commission finds, and the evidence supports the finding, that applicant is a citizen by blood of the Cherokee Tribe of Indians, and is so recognized and is found upon the Cherokee roll of 1883.

The applicant in this case is a daughter of James A. Ward, and, as shown by the testimony of her brother, D. W. Ward, was taken by the Moravian Missionaries, after the death of her father, and placed in a school maintained by the Moravian Church, at Hope, Indiana.

The testimony further shows that after the applicant had attended the school for five years she was taken into a private family, where she remained for several years, after which time she was admitted to Belleville Hospital, New York. During her service at the Belleville Hospital she learned the profession of a trained nurse, which profession she has followed ever since. That in order to secure employment as such it was necessary for her to remain beyond the limits of the Cherokee Nation, her profession and labor being the only means of support she had; that she has continued to remain in New York and follow her profession, because of the fact that the opportunities for securing employment were better than in the Cherokee Nation.

The Commission to the Five Civilized Tribes, in denying enrollment to the applicant, quote paragraph nine, of section twenty-one, of the Act of Congress, approved June 28th, 1898 (30 Stat. 495), which is as follows:

"No person shall be enrolled who has not heretofore removed to, and in good faith, settled, in the Nation in which he claimed citizenship".

This provision, it is claimed by applicant, could not be complied with by her, for the reason that she was born in the Cherokee Nation and resided for several years after her birth in said Nation; and the language "removed to, and in good faith, settled, in the Cherokee Nation" could not apply to her.

Applicant contends that she has not abandoned her tribal relations, nor has she forfeited any right to which she is entitled under the laws of the Cherokee Nation; that there was but one way under the tribal laws which she could forfeit her rights, as found in article one, subdivision of section two, of the Cherokee Constitution, which is as follows:

"That whenever any citizen shall remove with his effects out of the limits of the Cherokee Nation and become a citizen of another government, all his rights and privileges as a citizen of this Nation shall cease."

There is no proof before the Commission that applicant had abandoned the Cherokee Nation with her effects, or that she had become a citizen of another government. The proof shows that she has always recognized and claimed the Cherokee Nation as her home, and that her absence from the Cherokee Nation was solely and only for the purpose of following her profession as a trained nurse; that she at no time, and under no circumstances, acknowledged, recognized or accepted citizenship under any other government than the Cherokee Nation.

Applicant contends that it was not the intention of the law to deprive any one of citizenship by legislation, where the citizenship possessed was acquired by inheritance.

The duty enjoined upon the Commission to the Five Civilized Tribes, in making the roll of the citizens of the Cherokee Nation, and the intention of the law empowering them to make the said roll, does not involve the question of political citizenship as is generally termed and understood in the laws of citizenship in the States, but as applied to the making of the roll of Cherokee citizens it is solely and only a property right, or a roll being made by the Commission to ascertain who are entitled to participate in the distribution of the moneys and properties of the Cherokee Tribe of Indians.

Upon this question the applicant desires to call attention to the case of the Eastern band of Cherokees vs. The United States, et al. 117 U. S. 718, in which the Court fully discusses the question of citizenship and the manner in which it may be acquired or lost.

For a further discussion of the question of citizenship generally, both politically and from a property standpoint, attention is called to the case of George Elk, plaintiff in error vs. John Wilkins, defendant in error, 112 U. S. 433. This case will fully show how and in what way an Indian citizen can abandon his tribal relations and become a citizen of another government.

It is contended by applicant that nowhere in the record does it appear that she has done anything, under the law, to warrant the Commission in denying her enrollment as a citizen by blood of the Cherokee Nation, the only reason given by the Commission being that applicant was not a resident of the Cherokee Nation on June 28th, 1898. This, plaintiff contends, was a previous error and an injustice to her.

Applicant respectfully asks that the decision and judgment rendered by the Commission to the Five Civilized Tribes in her case, be reviewed, set aside, and that a judgment be rendered enrolling

#4.

her as a citizen by blood of the Cherokee Nation.

Respectfully submitted,

J. S. Davenport

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. ^{Sept} ~~October~~ 17th 1903.

In the matter of the application for the enrollment of Clara A Ward,
as a citizen of the Cherokee Nation.

Cherokee R #151.

Brief on part of the Cherokee Nation.

The testimony in this case shows that Clara A Ward was born about the year 1859; that she lived in the Cherokee Nation until after her fathers death in 1862 when she went to West Salem Illinois, from there to Pennsylvania thence to her present home in the State of New York where she has continuously resided up to and at the present time and we do not see how under any possible theory that the Commission would be justified in enrolling her as a citizen of the Cherokee Nation.

The Curtis Bill provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Now the applicant has been a continuous resident outside of the Cherokee Nation

for more than forty years and has never within the time removed to and in good faith settled in the Cherokee Nation. The fact that she is employed as a nurse in a hospital in New York and that she has continued in that employment for a number of years does not exempt her from removing to and settling within the Cherokee Nation.

Under the Cherokee Constitution, which provides that whenever any citizen shall remove with his effects out of the limits of the Cherokee,

Nation and becomes a citizen of another government all of his rights and privileges as a citizen of this Nation shall cease. Now there is not the slightest proof tending to show that this applicant left any effects within the limits of the Cherokee Nation at this time or has ever had since the civil war.

There is absolutely no parallel whatever and nothing whatever in common between this case at bar and the Yeargain case; in the Yeargain cases the two principal applicants were born in the Cherokee nation, their names appear upon every roll made since their birth including the authenticated roll of 1880 as well as the last roll made in 1896 and one of the Yeargains assisted in making the roll of 1896 while the other was a member of the Cherokee Senate at that time. The testimony in the Yeargain cases further shows that they were in the mercantile just across the Cherokee Line but that they had always retained valuable property and their farms and costly improvements within the Cherokee Nation as well as much personal property; that they always exercised rights of Cherokee citizenship, by voting at every Cherokee election and otherwise participating in Cherokee Governmental affairs but in the case at bar the applicant has been without the limits of the Cherokee nation for more than forty years; that she was residing in the state of New York when she was illegally enrolled upon the pay roll of 1883 which was clearly "without authority of law" because she was not here at the time; she had no effects here and in fact could not have claimed citizenship or residence here in the Cherokee nation because she ~~did~~ had not at that time been here since the civil war although she was then about twenty-four years of age. The Cherokee recognized that her name had been placed upon the 1883 pay roll without authority of law by refusing to enroll her upon the 1886 pay roll, the 1890 pay roll, the 1894 pay roll and the 1896 census roll, or ~~or~~ four rolls made subsequent to that time.

This applicant has never borne any of the burdens of Cherokee citizenship.

The patent issued to the Cherokee nation for our lands by President Martin Van Buren in 1838, contains a condition providing "That the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same." In order that such a contingency might not happen the Cherokee Nation wisely provided in the Cher-

#3.

okee Nation wisely provided in the Cherokee Constitution article one
section two:

"Whenever any citizen shall remove with his effects out of the limits
of this nation and becomes a citizen of another government all of his
rights and privileges as a citizen of this Nation shall cease"

Then follows a provision whereby any one so desiring may memorial-
ize the National Council for readmission to citizenship in the Cherokee
Nation.

If this section of our constitution does not apply to this appli-
cant when it is shown that she has not lived in the Cherokee Nation since
the Civil War and when it is shown that she has no property within the
Cherokee nation and if that clause of the Curtis bill which provides:

"No person shall be enrolled who has not heretofore removed to and in
good faith settled in the Nation in which he claims citizenship"

does not apply to this applicant we think it would be difficult, indeed;
to find a case to which this clause would apply.

Respectfully submitted,

W. W. Hastings J.C.
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Clara A. Ward as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 19, 1900, Clara A. Ward appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 11, 1902. The record further shows that on November 20, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department on January 8, 1903; that on April 29, 1903, a brief was filed in behalf of the applicant, which was treated by the Department as a motion to reopen the case; and that on May 1, 1903, the Department rescinded its former action in the matter of said application and remanded said case to the Commission for rejudication.

The evidence further shows that the said Clara A. Ward is a Cherokee by blood and is identified on the Cherokee tribal roll of 1883.

The evidence further shows that the applicant was born in the Cherokee Nation, that she was about forty-one years old at the date of her application herein; that when she was three years old she left the Cherokee Nation with her mother and has never since that time been a bona fide resident of said Nation, or of Indian Territory; that during her absence she has never retained any property or effects of any kind in said Nation; and that she has to all intents and purposes severed her tribal relations with the Cherokees and become a citizen of the United States government.

It is provided in article one, section two of the Cherokee Constitution

"That, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government all his rights and privileges as a citizen of this Nation shall cease; provided, nevertheless, that

the National Council shall have power to readmit by law, to all the rights of citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such readmission."

It is, therefore, the opinion of this Commission that the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.
Commissioner.
Commissioner.
Commissioner.

Muskogee, Indian Territory,
this MAR 10 1901

Chas R-121



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
TAHLEQUAH I. T SEPTEMBER 6th 1904.

In the matter of the application for the enrollment of Clara A Ward
as a citizen of the Cherokee Nation. Cherokee R 151.

Argument for the Cherokee Nation.

The Cherokee Nation desires to most earnestly dissent from the very dangerous doctrine, as we view it, contained in the letter by the Honorable Commissioner of Indian Affairs of date July 19, 1904 (Land 18217-1904). See Departmental Letter I. T D 5878-1904.

It is clearly shown that the applicant is a non resident of the Cherokee nation and has been for more than forty years and has been a resident of the State of New York ever since she has reached her majority. Her name does not appear upon the authenticated roll of 1860, she was never admitted to citizenship in the Cherokee Nation; she owns no property nor any improvements of any kind whatever in the limits of the Cherokee Nation and never did and the Cherokee Nation insists that if the Department admits the applicant a very dangerous precedent indeed will be set.

True some relative of hers during her absence got her name placed upon some pay roll but it was not contended at the time the money was paid that she was a resident of the Cherokee Nation nor was it contended that she was entitled to said money but upon the other hand in as much as her name was found along with the names of her brothers and sisters who are now residents here, it would indicate to the committees of the National Council in charge of the making of this roll, and they too, must have thought by reason of that fact that she was a member of one of the families and certainly it was not represented that she was a resident of the distant state of New York.

Again the fact that she received a distributive share of the old Settler money should not be cited in her favor because hundreds of heirs who live in Texas and California drew old Settler money and their names are upon the old settler roll.

This applicant has practically all of her life lived out of the limits of the Cherokee Nation and we see no equity whatever in her behalf. The fact that she follows some profession does not exempt her from returning to the Cherokee Nation. One applicant might claim that he was a physician; another that he was a practicing attorney while another may claim that he was a gun smith and in fact different applicants would claim different professions and because of their desire to practice their professions it is not convenient for them to live in the Cherokee Nation.

Suppose for the sake of argument that every other Cherokee had done as Clara Ward had moved to the State of New York or to some other distant state from choice or profession and continuing to follow it what under the conditions of the patent which the Cherokees received in 1838, would have become of their common property. In this case a grown woman, with a finished education, not poverty stricken, removed from the Cherokee nation and certainly after she becomes of age and voluntarily continues to live and determines to live in a distant state; becomes a citizen of a distant state, exercises all of the rights of citizenship of that state and exercises no rights of citizenship whatever within the Cherokee nation we do not believe under the act of Congress or under the Cherokee Law that this applicant will be enrolled as a citizen of the Cherokee nation and for the reasons hereinabove assigned we submit that the decision of the Commission rejecting this applicant should be affirmed.

Respectfully,

W. H. Hastings
Attorney for the Cherokee Nation.

There is absolutely no testimony showing any act of hers tending to show "acquisition of another nationality" by assuming the obligations of citizenship there.'

As to her intent the record is clear that she always considered the Cherokee Nation as her home. For instance, the following from the record:

"... that is just at office ... I haven't any permanent post office. ... it is Tahlequah."

"I have always considered it (Cherokee Nation) my home." He has only, besides, a house in New York City. "I don't live there, I have been in Tahlequah a lot; I make that my permanent home."

"... You have never been admitted to citizenship by the Cherokee Nation or the roll. ... I never knew that I had for it any citizenship."

From the testimony of ... this "she has always considered this as her home in all her letters and communications since becoming of age she has never made her home anywhere else; and no other home than the Cherokee Nation."

Applying the tests laid down in the Learner cases to the facts in the present case it is clear that Clara Learner has not lost her Cherokee nationality, because; first, if more than nine-tenths of the population of the Cherokee Nation were born within the Cherokee Nation nine-tenths of the applications will have to be rejected; second, in applying the Cherokee Constitution to our case under the decision in the Learner case we find (a) that her removal was involuntary, (b) that she did not become a citizen of any other government, and (c) and last, as shown not only from her testimony, but from her letters which are in evidence in this case, ^{has always been} to remain her citizen and to retain the Cherokee Nation that

Nation, and (d) that she has never had any permanent home outside
of the Cherokee Nation.

He, therefore, submit that this applicant's name should
be enrolled.

Respectfully submitted, ~~and~~

Harry S. Kimball

Wm. Henry White

Attorneys for Applicant.

IN THE DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

-----oOo-----

In re)
Application of Clara A. Ward F Cherokee R 151.
for enrollment as a citizen)
of the Cherokee Nation. :

-----oOo-----

REPLY BRIEF FOR APPLICANT.

The attorney for the Cherokee Nation in his "Argument for the Cherokee Nation" in this case fails intentionally or otherwise to comprehend the status of the applicant at her birth and the Constitution of the Cherokee Nation relating to acts which affect that status. He presents the arguments which prevailed before the decision in the Yeargain and other similar cases, namely, that if a Cherokee were residing outside of the boundaries of the Cherokee Nation on June 28, 1898, he is not entitled to enrollment.

The argument is a mere grasping at straws and a particularly strong grasp at a particularly elusive straw is the effort to show that applicant's name was unlawfully on the roll of 1894, wherein it is argued that the "Committee of the National Council in charge of the making of this roll x x x must have thought x x x she was a member of one of the families (in the Nation) and certainly it was not represented that she was a resident of the distant State of New York."

If the Cherokee Nation could show that in this case actual presence in the Nation in 1894 was essential to her lawful enrollment at that time, such propositions might be material. Under Cherokee law no such actual presence in the Nation was necessary. Not until December 4, 1894, was any law passed relating

to the subject and that act ~~only~~ related to persons who had been theretofore or should be thereafter "admitted" to citizenship. This applicant does not claim under any act of admission and the Act of December 4, 1894, does not apply to her. The fallacy of the argument for the Nation is shown in the following paragraph from its brief:

Again the fact that she received a distributive share of the old settler money should not be cited in her favor because hundreds of heirs who lived in Texas and California drew old settler money and their names are upon the old settler roll.

It might be added that they lawfully drew the old settler money because they were entitled to it as Cherokee citizens, just as hundreds who lived in Texas and California drew Cherokee strip money because they were, and perhaps still are, citizens of Cherokee Nation.

The point in this case in a nutshell is that Clara A. Ward was born a citizen of the Cherokee Nation; that her status is a continuing one and that she is now a citizen unless she has done some act which under the Cherokee Constitution or laws deprives her of that right or status.

The fact that her name appears upon the old settler roll and upon the 1894 roll is material, because it is conclusive proof of her status at those times unless it be shown that her name unlawfully appears thereon.

The Curtis Act provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled," etc. and does not apply to persons who were born citizens of the Nation and who at that time resided in the Nation, for the reason, if one be needed, that a person born there could not remove there.

On the question as to whether or not she has forfeited her rights of citizenship the Yeargain case lays down the rule in plain, unequivocal terms. Her citizenship continues unless she has done all of the following things:

1. Removal from the Nation.
2. Removal of effects from the Nation.
3. Become a citizen of another government.
4. Do all of the above with the intent to abandon her Cherokee citizenship.

Passing over the first two we find that she has not become a citizen of any other government. Nowhere in the record is it shown that she ever exercised or tried to exercise any rights of citizenship in the State of New York. The recommendation of the Commissioner of Indian Affairs points out clearly that under the decision of the Supreme Court of the United States in *Elk vs. Wilkins*, 112 U. S., 94, she could not become a citizen of the United States except in accordance with some United States statute.

The only statutes relating to this subject are the following:

Act of February, 1887, (24 Stats., 390) granted citizenship to Indians who take up their residence separate and apart from any tribe of Indians, but this act especially provides that this citizenship is given "without in any manner impairing or otherwise affecting the right of any Indian to tribal or other property." This act was amended March 3, 1901, (31 Stats., 3147) so as to include "all Indians in Indian Territory," but tribal rights are not affected by this amendment.

The Session second and only other act is that of August 9, 1888, (25 Stats., 392) granting citizenship to Indian women who marry United States citizens. It is not, of course, applicable to this applicant, but even it expressly declares that nothing in it "shall in any way affect the rights or title of such married women to any tribal property or any interest therein."

The First Assistant Attorney rendered an opinion which was approved July 8, 1903, by the Secretary in regard to the section of the Constitution of the Cherokee Nation under discussion in this and the *Yeargain* case, in which it is said:

The premise that the legislative power of Congress over the affairs of Indian tribes and nations is plenary to repeal or change their laws and constitutions is so well established as to be beyond further controversy.

If, then, there is any variance between the acts of Congress above enumerated and the Cherokee Constitution, the acts of Congress are to prevail, and under them this applicant could not become a citizen of the United States, either by taking up her residence separate and apart from her Indian tribe and becoming a citizen of the United States, or by marrying a citizen of the United States so as to "in any way affect the right x x x to tribal property or any interest therein."

We submit, therefore, that under the Cherokee Constitution, as construed by the Assistant Attorney-General in the Yeargain case, the applicant must have become a citizen of another government before losing her tribal rights; that the Supreme Court of the United States has said in the Elk vs. Wilkins (supra) case that she could not become a citizen of the United States except under acts of Congress; that the acts of Congress are that she could not become a citizen of the United States in any manner so as to lose her tribal rights of property, and that since the act of Congress prevails, this applicant has not lost her tribal rights of property.

As to the question of her intent the record is clear that she has always considered the Cherokee Nation as her home; for instance, the following from the record:

"Q. What is your post office? A. I haven't any permanent post office. At present it is Tahlequah.

"I have always considered it (Cherokee Nation) as my home." She has only furnished rooms in New York City. "I don't live there, I have been in different States; I make that my headquarters."

"Q. You have never been admitted to citizenship by the Cherokee Commission or Council? A. I never knew that I had forfeited my citizenship."

From the testimony of D. E. Ward: "She has always considered this as her home in all her letters and communications. Since becoming of age she has never made her home anywhere else; has no other home than the Cherokee Nation."

On these undisputed facts as to her intent the Commissioner of Indian Affairs in his letter of July 19, 1904, found as follows:

While the applicant has not personally resided in the Cherokee Nation since infancy, except for one year in 1900, yet it is in evidence that she has always claimed the Nation as her home and has been absent therefrom solely for the purpose of earning a livelihood in her profession.

It is manifest, as admitted in the Jessie Mae Hall case (I. T. D. 4722-1900) that the applicant must have a residence somewhere and like the case of the Halls, she is a wanderer from her tribe seeking a livelihood among strangers.

x x x it is further shown that the applicant has never established citizenship in any other nation, state or country, or declared her intention in that respect.

In view of the record it is recommended that the decision of the Commission adverse to the applicant be reversed and the applicant enrolled as a Cherokee citizen by blood.

In conclusion we submit :

1. That this applicant was from birth a citizen of the Cherokee Nation and that her rights as such citizen have always been recognized by the Nation.

2. That she has done no act which under the Cherokee Constitution and the statutes of the United States deprives her of that right.

3. That she ^{should} now be enrolled as a Cherokee citizen.

Respectfully submitted,

Nancy G. Kimball
John Henry White
Attorneys for Applicant.

DEPARTMENT OF THE INTERIOR,
Washington.

In the matter of the application for the enrollment of Clara A. Ward
as a citizen of the Cherokee nation.

Cherokee R # 151.

Statement.

The application for the enrollment of Clara A Ward as a citizen of the Cherokee nation was rejected by the Commission to the Five Civilized Tribes and the judgment of the Commission was approved by the Honorable Secretary of the Interior. The applicant now files a motion for a rehearing and has served a copy of said motion on the representative of the Cherokee nation and this brief is filed as a reply thereto.

Argument.

The testimony in this case shows that Clara A. Ward was born about the year 1859; that she lived in the Cherokee nation until after her fathers death in 1862 when she went to West Salem, Illinois from there to Pennsylvania thence to her present home in the state of New York where she has continuously resided up to and at the present time and we do not see how the Commission to the Five Civilized Tribes or the Honorable Secretary of the Interior under any possible theory would be justified in enrolling her as a citizen of the Cherokee Nation.

The Curtis Bill provides that :

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship"

Now the applicant has been a continuous resident outside of the Cherokee nation for more than forty years and has never within that time removed to and in good faith settled in the Cherokee nation. The fact that she is employed as a nurse in a hospital in New York and that she has continued in that employment for a number of years does not exempt her from removing to and settling permanently within the Cherokee nation

Under the Cherokee Constitution which provides that whenever any citizen shall remove with his effects out of the limits of the Cherokee

Nation and becomes a citizen of another government all of his rights and privileges as a citizen of this Nation shall cease. Now there is not the slightest proof tending to show that this applicant left any effects within the limits of the Cherokee Nation at this time or has ever had since the civil war.

There is absolutely no x parallel whatever and nothing whatever in common between this case at bar and the Yeargain case; in the Yeargain cases the two principal applicants were born in the Cherokee nation, their names appear upon every roll made since their birth including the authenticated roll of 1880 as well as the last roll made in 1896 and one of the Yeargains assisted in making the roll of 1896 while the other was a member of the Cherokee Senate at that time. The testimony in the Yeargain cases further shows that they were in the mercantile just across the Cherokee line but that they had always retained valuable property and their farms and costly improvements within the Cherokee Nation as well as much personal property; that they always exercised rights of Cherokee citizenship, by voting at every Cherokee election and otherwise participating in Cherokee Governmental affairs but in the case at bar the applicant has been without the limits of the Cherokee nation for more than forty years; that she was residing in the state of New York when she was illegally enrolled upon the pay roll of 1883 which was clearly "Without authority of law" because she was not here at the time; she had no effects here and in fact could not have claimed citizenship or residence here in the Cherokee nation because she ~~did~~ had not at that time been here since the civil war although she was then about twenty-four years of age. The Cherokee recognized that her name had been placed upon the 1883 pay roll without authority of law by refusing to enroll her upon the 1886 pay roll, the 1890 pay roll, the 1894 pay roll and the 1896 census roll, or ~~the~~ four rolls made subsequent to that time.

This applicant has never borne any of the burdens of Cherokee citizenship.

The patent issued to the Cherokee nation for our lands by President Martin Van Buren in 1838, contains a condition providing " That the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same." In order that such a contingency might not happen the Cherokee Nation wisely provided in the Cher-

okee Nation wisely provided in the Cherokee Constitution article one section two:

"Whenever any citizen shall remove with his effects out of the limits of this nation and becomes a citizen of another government all of his rights and privileges as a citizen of this Nation shall cease"

Then follows a provision whereby any one so desiring may memorialize the National Council for readmission to citizenship in the Cherokee Nation.

If this section of our constitution does not apply to this applicant when it is shown that she has not lived in the Cherokee nation since the Civil War and when it is shown that she has no property within the Cherokee nation and if that clause of the Curtis bill which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship"

does not apply to this applicant we think it would be difficult, indeed, to find a case to which this clause would apply.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

IN THE DEPARTMENT OF THE INTERIOR.

-----000-----

In re

Application of Clara A. Ward

for Enrollment as a Citizen

By Blood of the Cherokee Nation.

-----000-----

And now comes the applicant by her attorneys and moves that the decision of the Secretary of the Interior herein be set aside and a new hearing granted and had for the reasons set out in the attached brief.

Henry C. Kimball
Henry White

Attorneys for Applicant.

IN THE DEPARTMENT OF THE INTERIOR.

-----000-----

In re

Application of Clara A. Ward
for Enrollment as a Citizen by
Blood of the Cherokee Nation.

-----000-----

BRIEF FOR APPLICANT
IN SUPPORT OF MOTION FOR REVIEW.

The Assistant Attorney-General in his opinion in this case dated March 25, 1905, has rejected her application for the sole reason that she has forfeited her right to citizenship in the Cherokee Nation under Section 2 of the Cherokee Constitution, and states our contention as follows:

"The brief of applicant rests her right to enrollment upon two grounds, viz: Section 6 of the Act of February 8, 1887, (24 Stat., 388, 390), and upon the impossibility of her being expatriated by the provision of the Cherokee Constitution above quoted, as there was no law permitting her naturalization, as decided by the court in Elk vs. Wilkins (112 U. S., 94)."

This opinion says that my argument is "specious" but "not sound" for two reasons:

1. That Section 6 of the Act of February 8, 1887, has been construed by the Department as applying to the members of those tribes only whose lands were not excepted by the eighth section, and that the eighth section "expressly excepted from its operation the territory occupied by the Cherokees" and as applicant is a Cherokee, Section 6 has no application to her.

2. That inasmuch as the United States acts merely as a trustee of the lands involved in this case, the laws of the United States on the subject are not to be considered, but the question to be decided is "peculiarly a question of Cherokee law, when such law is not overborne by any act of Congress."

Taking up the first point, namely, that Section 6 of the Act of February 8, 1887, has been construed by the Department not to apply to the Cherokee Nation, it is evident that the Assistant Attorney-General overlooked the Act of Congress approved March 3, 1901, (31 Stat., 1447) cited in my former brief in this case. This act inserts into Section 6 the words, "And every Indian in Indian Territory." There can be no doubt that the Cherokees are in the Indian Territory and that they are Indians, and therefore whatever may have been prior to that time the construction by the Department of Section 6, that construction must give way to the express enactment of Congress.

I again call attention to the fact that under the decision of *Elk vs. Wilkins*, supra, the only way by which an Indian may become a citizen of the United States is by act of Congress, or in accordance with the provisions of some act of Congress.

In *Ex Parte Reynolds*, 5 Dillon, 398, which has been so often cited in the Assistant Attorney-General's opinions, the court says:

"Now what is the principle to be deduced from all of these decisions of the Supreme Court? Why, that in cases where the United States has not, by its legislative or other acts, incorporated these people into the political body known as the people of the United States, who, according to her republican institutions, form the sovereignty, and who hold the power and conduct the government, they are not citizens. x x x If the Government of the United States has never recognized them as subject to its jurisdiction, and they have consequently never been treated as citizens, they occupy the same position before the law as though they were citizens of a power entirely independent of us, or were the people who were the citizens of a foreign power."

Surely additional authorities are not necessary to establish that this applicant could not become a citizen of the United States except under the provisions of some act of Congress, and in order to make this case perfectly clear and beyond question, I again desire consideration of the only acts of Congress by which she could possibly become a citizen. In chronological order of their enactment, they are as follows:

Section 6 of the Act of February 8, 1887, (24 Stat., 390) as amended by the Act of March 3, 1901, (31 Stat., 1447)

reads as follows:

"Every Indian born within the limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, and every Indian in Indian Territory x x x whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

The next act is that of August 9, 1888, (25 Stat., 292) granting citizenship to Indian women who marry United States Citizens. It also expressly declares that nothing in it "shall in any way affect the right or title of such married woman in any tribal property or any interest therein."

The next act is Section 43 of the Act approved May 2, 1890, (26 Stat., 99) providing for the naturalization of members of Indian tribes in Indian Territory, but in it also it is "provided that the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong."

The next and last statute relating to the subject is ^{the} that found in the next to last paragraph of Section 1 of the Act approved June 7, 1897, (30 Stat., 90) providing that children born of a marriage between Indian women by blood and white men are entitled to "have the same rights and privileges to the property of the tribe to which the mother belongs or belonged at the time of her death, by blood, as any other member of the tribe, and no prior act of Congress shall be construed as to debar such child of such right."

It appears conclusively from the above that under the decisions of the Supreme Court of the United States Clara A. Ward could not become a citizen of the United States except in accordance with the provisions of an act of Congress, and that as every act of Congress under which she could have become a citizen provides that she shall not, in becoming a citizen of the United States, lose her tribal rights of property, it follows that she

has not become a citizen of the United States so as to lose her tribal rights of property.

Supported as the above is by the decisions of the Supreme Court of the United States, I believe it will be found to be sound as well as specious, for there is no contention that she joined any other nation or Indian tribe.

Taking up now the second point that it is Cherokee law we have to construe, I wish to assert at the outset that I have no fault to find with that proposition, but the opinion of March 25, 1905, is irreconcilable with those of March 16, 1903, in the Yeargain case and February 6, 1904, in the Trott case.

In the Yeargain case the Assistant Attorney-General said, as indeed the constitution of the Cherokee Nation says as plainly as it can possibly be put in English:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation, viz: removal of the person, coupled with the removal of all effects and property, and acquisition of another nationality."

In the John F. Trott case the Assistant Attorney-General said:

"It is not shown that Mr. Trott did remove his effects and that he became a citizen of another government. The evidence fails to establish either one of the two necessary propositions x x x The right of citizenship in the Cherokee Nation is valuable, and aside from its political and purely national aspect, it is contrary to established rules for statutory construction to enlarge the meaning of an act beyond its terms to effect a forfeiture of rights.

It is the right of all Cherokees born to the allegiance of the Cherokee Nation to remain Cherokees. It is a canon of statutory construction that statutes in derogation of common right must be construed strictly. -- Black's Interpretation of Laws, Paragraph 115, Ed. 1896; Southerland on Statutory Construction, Sec. 336, Ed. 1891. x x x It is not permissible to wander from established rules for statutory construction in pursuit of a supposed intent, neither expressed in the act nor in similar acts upon the same subject, merely to work a forfeiture of rights not forfeited by the letter of the act."

These rules laid down in the Trott case by the Assistant Attorney-General himself are supported by all of the authorities and are unanswerable. But what has the Assistant Attorney-General done in the Clara A. Ward case? I insist and propose to prove right now that in this Clara A. Ward case he has done the very thing which in the Trott case he said "is not permissi-

ble." He has had to "wander from established rules for statutory construction in pursuit of a supposed intent, neither expressed in the act, nor in similar acts upon the same subject, merely to work a forfeiture of rights not forfeited by the letter of the act." And here is the language in which it is done:

"The evil that was aimed at (by the Cherokee constitution, Section 2) appears to have been the withdrawal of the more civilized and progressed element of the people, retarding the general progress and development, without contributing by their efforts to that end, or bearing any inconveniences of a rude condition of society or any of the nation's burdens. x x x That practice (of the Cherokee Nation) has been that withdrawal by a citizen of his person and effects worked his loss of citizenship, which only the National Council had power to restore by readmission. x x x I am therefore of opinion that a proper construction of this provision is, that withdrawal of the person and effects of a citizen from the nation without intention to return and identification with another and alien community work loss of citizenship, whether actual citizenship is elsewhere acquired or not."

Thus has the Assistant Attorney-General in the Ward case "wandered from established rules for statutory construction in pursuit of a supposed intent." The rules from which he has wandered are the rules as laid down by himself in the Trott case. The intent is, as he put it, "a supposed intent." It is, as expressed in the Trott case, "neither expressed in the act, nor in similar acts upon the same subject," and the construction placed upon the Cherokee constitution in the Clara A. Ward case is not only opposed to all the rules of statutory construction as laid down by all the authorities, but it is contrary to the language, reasoning, and the law as laid down in the Yeargain and Trott cases.

The Assistant Attorney-General will hunt in vain in the law books for a single case where a statute which works a forfeiture has not been strictly construed. He will hunt in vain for a case in which if three things are required to be done to work a forfeiture, two of those things have been held to be sufficient.

As above noticed the provision of the Cherokee constitution is perfectly clear and plain in its scope, purpose, language, and application. There is nothing doubtful, obscure, or in any

degree uncertain. It simply provides that citizenship shall be lost upon the doing of three things, namely, removal, taking effects and becoming a citizen of another government.

"If the language is clear and admits but one meaning, the legislature should be intended to mean what it has plainly expressed, and there is no room for construction."-- Am. & Eng. Ency. Law, 2d Ed., Vol. 26, p. 598.

"If the language be clear it is conclusive. There can be no construction where there is nothing to construe. The words must not be narrowed to the exclusion of what the legislature intended to embrace; but that intention must be gathered from the words, and they must be such as to leave no room for a reasonable doubt upon the subject."--U.S. vs. Hartwell, 6 Wall., 386.

"The first and cardinal rule in the interpretation of a statute is to look to the statute itself, the meaning, or scope and the object of the statute; and if, upon the face of it, you can gather plainly what was the intention of the legislature, those incidental rules which are mere aids to be invoked where the meaning is clouded, are not to be regarded." -- Hewitt vs. Telegraph Co., 4 Mackey, D. C., 434.

"The language of this clause is plain and unambiguous. There is nothing in the context, rightly considered, which qualifies or affects it. There is, we think, no room for construction x x x. Were we to adopt the construction claimed by the plaintiff's counsel, instead of adjudicating we should legislate. That we have no power to do. Our function is to execute the law, not to make it." -- Doe vs. Considine, 6 Wall., 480.

The Assistant Attorney-General's opinion is, in substance, that Clara A. Ward, because she remained away from the Cherokee Nation so long, ought to have forfeited her rights because she did not contribute to the material advancement of the Cherokee Nation. While there is absolutely nothing either in the Cherokee constitution or laws of the nation which says that her failure to contribute to the material advancement of the nation shall cause forfeiture of rights in the nation, yet this opinion seems to think that that should be the effect, and which opinion does what the Supreme Court of the United States in the last above cited case says should not be done, namely, makes the law instead of executing it.

That the Assistant Attorney-General was not justified in resorting to the condition of the Cherokee Nation or any extrinsic circumstance in the construction of the provision of the Cherokee constitution, is laid down in plain and unmistakable language in the case of Sturgis vs. Crowninshield, 4 Wheat., 202;

as follows:

"Although the spirit of an instrument, especially of a constitution, is to be respected not less than its letter, yet the spirit is to be collected chiefly from its words. It would be dangerous in the extreme to infer from extrinsic circumstances, that a case for which the words of an instrument expressly provide, shall be exempted from its operation. x x x But if, in any case, the plain meaning of a provision, not contradicted by any other provision in the same instrument, is to be disregarded, because we believe the framers of that instrument could not intend what they say, it must be one in which the absurdity and injustice of applying the provision to the case, would be so monstrous that all mankind would, without hesitation, unite in rejecting the application."

Here, then, is the limit for the Assistant Attorney-General. Before he can strike out of the Cherokee constitution the words "and become a citizen of another government" he must be justified in holding two things: first, that the framers of the constitution "could not intend what they say" and that the result of leaving the words in the constitution would be so "monstrous that all mankind would, without hesitation, unite in rejecting the application" of those words.

Thousands of cases in support of the above propositions might be cited. In fact, there are thousand of cases cited in the Am. & Eng. Ency. of Law, 2d Ed., Vol. 26, p. 598, et seq.

When the Department is able to point out how and when Clara A. Ward became a citizen of another government, then, and not until then, will it be able to show how and when she lost her Cherokee citizenship. It must be remembered also that there was nothing that Clara A. Ward could do which would of itself have forfeited her right of citizenship. The rule of citizenship is very clear and unmistakable "that no persons can by any act of their own, without the consent of the government, put off their allegiance and become aliens." -- *Requignot vs. City of Detroit*, 16 Fed. Rep., 211, reviewing a number of authorities of the Supreme Court of the United States cases. -- If she had wanted to forfeit her citizenship and the Cherokee Nation had wanted to retain her as a citizen, can there be any doubt that her acts would not have amounted to a compliance with the constitution of the Cherokee Nation, under which alone she could secure the con-

sent of the Cherokee Nation to be relieved of her allegiance. The nation would merely have asserted, "You have done two things of the three which are necessary, but you have not done the third."

If the Cherokee Nation had intended that those of its members who removed from the nation taking with them their effects should thereby lose their citizenship in the nation, how easy it would have been to omit the words "and become a citizen of another government" from section 2 of the Constitution. Certainly these words are not meaningless, and yet the decision of the Assistant Attorney-General in the Clara A. Ward case makes them absolutely meaningless. In 1867 the Cherokee nation as a nation considered its constitution in relation to citizenship and amended it in very important particulars, but this section 2 was not changed.

It is true that the Cherokee legislature, about eleven years ago, began requiring persons to remove to the Cherokee Nation before becoming citizens, but an act of its National Council forfeiting citizenship for mere removal and taking away of effects, would have been unconstitutional, and no such act was ever passed, and certainly its acts are not to be considered in construing the constitution.

We respectfully ask that the opinion of the Assistant Attorney-General and the decision of the Secretary based thereon in this case be set aside and the applicant be enrolled as a Cherokee by blood.

Respectfully submitted,

Henry Grimball

Henry White

Attorneys for Applicants.

INDEXED.

15635 OCT 31 1901

Wm. A. Rarner & Co.
Philadelphia, Pa.
Oct. 29, 1901

Wm. A. Rarner & Co.
Philadelphia, Pa.
Oct. 29, 1901

COMMISSIONER
FILED
NOV 7 1901

Tahlequah, I. T. Oct. 29th, 1901

To the Honorable Commission to the Five Civilized Tribes

Muskogee, I.T.

Gentlemen:-

I have endeavored to see the "Pay Rolls" of 1883, & 1886, that I might find the name of Clara Ward (my Sister) and get a certificate to that effect, preparatory to making a statement before your Honorable Commission in her behalf. I am informed by both the Treasurer, and the Executive Office of this Nation, that the said Rolls of 1883 and 1886 were turned over to you, and, knowing positively that the name of Clara A. Ward is on those Rolls, I do respectfully ask that you look the name up for me, her age at that time was 22 or 23 years old, and was enrolled in Tahlequah District I think. Her money was drawn by brother Henry, and receipted for, all of which is to be found on the said rolls.

Hoping to have a speedy reply, I remain

Very Respectfully Yours

Gariue E. Ward.

Copy.

Cherokee R 151.

Muskogee, Indian Territory, November 21, 1902.

Clara A. Ward,

c/o D. E. Ward,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Register.

Enclosure H. No. 384

COMMISSIONERS:
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 151.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 21, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

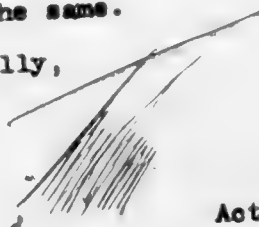
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enclosure H. No. 39.

COPY

Cherokee R 151.

Muskogee, Indian Territory, November 21, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Through the

Commissioner of Indian Affairs.

W. H. Long
Acting Chairman.

Enclosure H. No. 40.

Cherokee R-151

Muskogee, Indian Territory, November 26, 1902.

Herman F. Robinson,

Attorney for Clara A. Ward,

18 Wall St., New York City, N.Y.

Dear Sir:-

The Commission is in receipt of your letter of November 14, in further reference to the application made by Clara A. Ward for enrollment as a citizen of the Cherokee Nation.

In reply, you are advised that on November 20, 1902, the Commission rendered its decision in this case, denying the right to enrollment of the said Clara A. Ward. A copy of this decision is enclosed you herewith.

You are further advised that the record in this case, together with the Commission's decision, has been forwarded to the Secretary of the Interior for his review and approval.

Respectfully,

Acting Chairman.

Enc. M-19

Copy.

Refer in reply to
the following:

Land
70298-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, December 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 21, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation.

November 20, 1902, the Commission held that the applicant was not entitled to enrollment.

The record in this case shows that the applicant is a Cherokee by blood and that her name appears on the tribal roll of 1883. She did not reside in the Cherokee Nation on June 28, 1898, and had not resided therein for about 28 years prior thereto.

Under Section 21 of the Curtis Act which declares "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship," the applicant is not entitled to enrollment and the approval of the Commission's decision is therefore recommended.

Very respectfully,

A. C. Tonner,

Commissioner.

GAW
D

3 inclosures.

27989

DEPARTMENT OF THE INTERIOR.
APR 25 1903
Entered as Second-Class Matter
June 15 1879 Post Office No. 117

JAS. E. DAVENPORT.
ATTORNEY-AT-LAW,
VINITA, IND. TER.
ROOMS 9 AND 10 NEW HARBELL BUILDING

J. E. DAVENPORT W. H. HALL
DAVENPORT & HALL
ATTORNEYS-AT-LAW,
CHASSANO, IND. TER.
OFFICE ON 600 ST. AND CATALAN AVENUE

THOS. A. J. DAVENPORT,
NOTARY PUBLIC

Vinita, I.T. December, 12, 1902.

Hon, A. E. Hitchcock.

Secretary of the Interior.

Washington, D. C.,

Dear Sir:-

Enclosed please find Petition and brief of Clara A. Ward for
Re-hearing in her case, NO 151 rejected Cherokee.

Yours truly,

Jas. E. Davenport

1558

27989

Department of the Interior,
RECEIVED.

DEC 22 1902

Enc. No. 4 7984
Indian Territory

DEPARTMENT OF THE INTERIOR

APR 25 1903

Returned with this
Inclosure 4

Vincita St. 12/11/1902

Mr. Henry Nord

I must be 2/3

Über die Kunde!

I have been herewith

Copy of my petition for rehearing and a
brief in Agnes Sisters Case. I have furnished
the best argument I could make along the
line suggested, and I am sure the
intention of the law was not to disfranchise
those who were indisputed citizens I have
served the attorney for the Nation with a
copy & filed the other with the
Secretary or mailed it to him.

I have also sent your letter

Al. E. Ward a copy

J. D. Smith

Muskogee, Indian Territory, December 15, 1902.

James M. Beck,
Assistant Attorney General,
Washington, D. C.

Dear Sir:

So thoroughly convinced do I feel that Clara's case is a just one that I beg to trouble you once more.

May I not ask you to kindly bring the enclosed matter to the special notice of the Secretary of the Interior. Her case differs from others in that she was taken from home at the age of three years, but has never made her home elsewhere; always looking upon the Cherokee Nation and the home of her oldest brother, Darius, as her home. I trust the facts, as stated in the brief with enclosed will explain why she was not at home on June 28, 1898. Her absence at this time was made the basis of her refusal for enrollment.

Knowing that the law does not contemplate debarring a citizen from enrollment who is such in good faith, can we not plead justice and equity in this case.

Thanking you in advance for bringing this matter to the personal notice of the Secretary of the Interior, I am,

Yours gratefully,

Henry Ward.

D.C.927.

DEPARTMENT OF THE INTERIOR.

CMR.

ITD. 6203,6337,7149,
7535,7789,7808,
7984 - 1902.

Washington.

L.R.S.

January 8, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 21, 1902, you transmitted the record in the matter of the application for enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation (R.151).

The evidence shows that applicant is a Cherokee by blood, that she is identified on the Cherokee tribal roll of 1883, and that she has not resided in the Cherokee Nation or Indian Territory for more than thirty years next before the date of her application. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat.,495), which provides that -

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship,"

you denied the application on November 20, 1902.

Forwarding the papers December 6, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed herewith.

Since the case reached the Department arguments have been filed. The contentions made in such arguments have been presented to the Department heretofore in other cases. The Department has, however, concurred in your views of the law and has affirmed your

-2-

decisions in numerous cases similar to the one under consideration. It does not consider it necessary to enter into any discussion of the matter involved in the various assumptions in the present motion and arguments.

The provision of the act of June 28, 1898, in question, was intended to forfeit all citizenship rights claimed by any member of either of the Five Civilized Tribes who was not then a bona fide resident of the nation in which he claimed citizenship .

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee R-151.

Muskogee, Indian Territory, January 16, 1903.

Clara A. Ward,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on January 8, 1903.

Respectfully,

Thomas H. Carter
Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-151.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

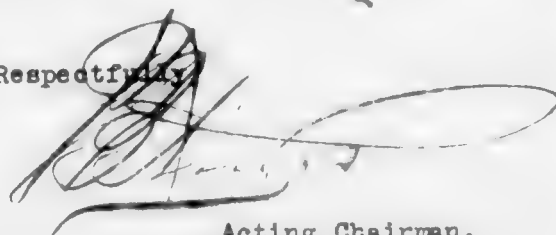
Muskogee, Indian Territory, January 16, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 8, 1903.

Respectfully,



Acting Chairman.

27959

Refer in reply to the following:

Land.
1558-1903.
21,984-1903.

(Copy)
Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

In accordance with directions contained in Department letter of April 6, 1903 -- I.T.D. 7535-1902 and 3287-1903 -- there is enclosed, herewith, the record relative to the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

(G.A.W.)

A.C. Tonner,
Acting Commissioner.

P.

D. C. 13389-1903.

27989

J. P.

DEPARTMENT OF THE INTERIOR:

WASHINGTON.

I.T.D. 7535-1902.

FHB

587-1903.

May 1, 1903.

4215- "

4048- "

L R S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 8, 1903, the Department affirmed your decision rejecting the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation.

On April 29, 1903, a brief was filed in the case by the attorneys for the applicant, which is treated as a motion for reopening the case.

It appears that the applicant is identified on the Cherokee tribal roll of 1883; that she has not resided in the Cherokee Nation or Indian Territory for more than thirty years next before the application in this case. It is not shown that she became a citizen "of any other government."

Referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495), you rejected the application November 20, 1902.

In view of the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, and of

various decisions rendered since that time, and as the testimony and your decision and that of the Department were rendered under a different interpretation of said paragraph 9 of section 21 of the act of June 28, 1898, from that expressed in said opinion and by the Department in said decisions, the decision of January 8, 1903, is hereby rescinded, and the case is remanded for further proceedings and readjudication.

The testimony and your decision attached are inclosed herewith, together with the argument filed April 29, 1903.

Respectfully,

Thos Ryan
Acting Secretary.

2 inclosures.

Cherokee R-161

Tahlequah, Indian Territory, May 27, 1903.

Kimball & White, Attorneys at Law,
416 Fifth Street N.W.,
Washington, D.C.

Gentlemen:

You are hereby notified that on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation.

The applicant has this day been advised that any further testimony she may have, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Testimony is particularly required as to the residence of the applicant.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MEM

Cherokee R-151

Tahlequah, Indian Territory, May 27, 1903.

Clara A. Ward,

In care of D. E. Ward,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby notified that, on May 1, 1903, the Secretary of the Interior reopened, for the purpose of taking further testimony, your application for enrollment as a citizen by blood of the Cherokee Nation. You are advised that any further testimony you may have to introduce, tending to establish your right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to your residence.

It appears from the record in your case that a motion to reopen was filed by Kimball & White, Attorneys at Law, Washington, D.C., while in your original application for enrollment, the record shows that you were represented by Herman F. Robinson. You are requested to advise the Commission whether Herman F. Robinson, or Kimball & White, or both of these firms represent you as attorneys.

Respectfully,

Commissioner in Charge
Cherokee Land Office?

MFM

Cherokee R-151

Tahlequah, Indian Territory, May 27, 1903.

Herman F. Robinson,
52 William Street,
New York City.

Dear Sir:

The Commission is in receipt of your letter of May 4, stating that you have advice from the Department of the Interior that the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation, Cherokee R-151, has been reopened by the Department and remanded to this Commission for the taking of further testimony and further consideration. You state that letters written by you to the Department in connection with this matter contain a full statement of the merits of Miss Ward's case, and ask if these letters were forwarded to the Commission.

In reply, you are advised that the record in this case remanded by the Department probably embraces the letters referred to by you.

The applicant has this day been advised that any further testimony she may have to introduce, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before the 27th of June, 1903.

-2-

In this connection, you are advised that, with the record returned from the Department was a brief filed on behalf of the applicant by Kimball & White of Washington, D.C. You are requested to inform this Commission if this firm is of counsel for Miss Ward.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES
C R BRECKINRIDGE
W E STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-151

ALLISON I. AYLESWORTH
SECRETARY

Tahlequah, Indian Territory, May 27, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that, on May 1, 1903, the Secretary of the Interior granted a motion to reopen, for the purpose of taking additional testimony, the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation, Cherokee R-151.

The applicant has this day been advised that any further testimony she may have to produce, tending to establish her right to enrollment, can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before June 27, 1903. Evidence is particularly required as to the residence of the applicant.

Respectfully,

C. A. Bucknidge

Commissioner in Charge
Cherokee Land Office.

MTM

Cherokee R-151

Tahlequah, Indian Territory, June 3, 1903

Clara A. Ward,

Care D. K. Ward,

Tahlequah, Indian Territory.

Dear Madam:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that place is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of your application for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ.

Cherokee R-151

Tahlequah, Indian Territory, June 3, 1903

Kimball & White,

416 7th St., N.W.

Washington, D. C.

Gentlemen:-

Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that place is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ

Cherokee E-151

Tahlequah, Indian Territory, June 3, 1903

Herman F. Robinson,
52 William St.,
New York City.

Dear Sir:-

Owing to the appropriation for the coming fiscal year not being yet available, was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of O. A. Ward for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

BCJ

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-161

ALLISON L. AYLESWORTH,
SECRETARY

Tahlequah, Indian Territory, June 3, 1903

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

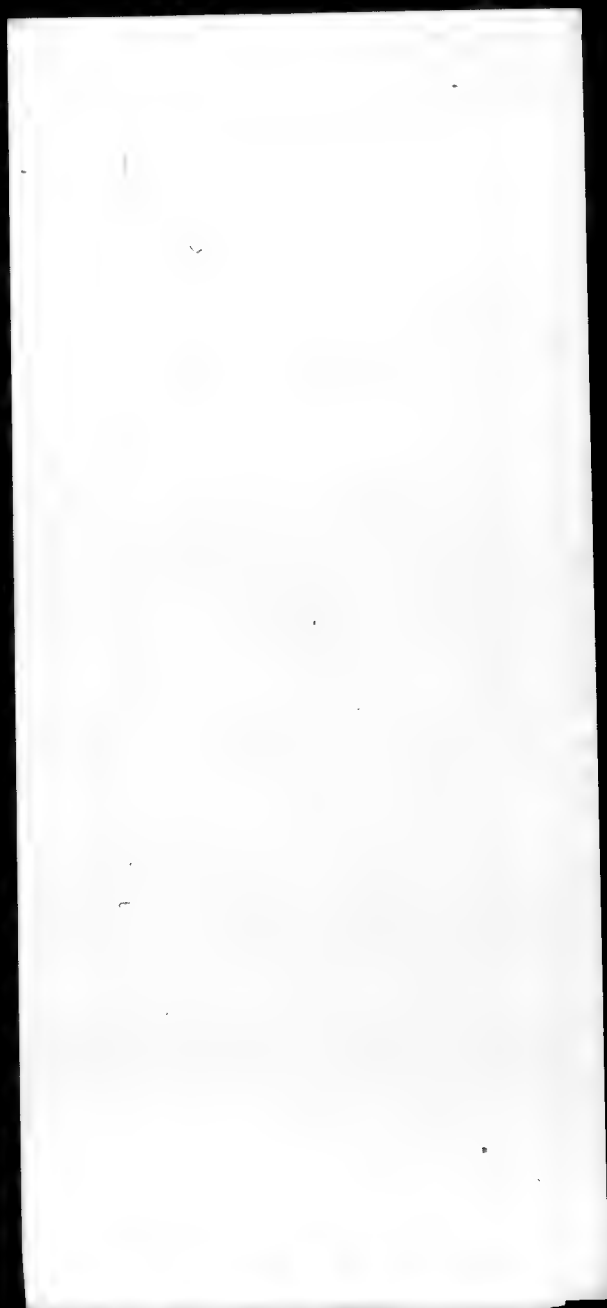
Owing to the appropriation for the coming fiscal year not being yet available, as was expected, and the consequent lack of funds to carry on business at the land office at Tahlequah, all business at that office is suspended until July 1, 1903.

You are, therefore, hereby notified that the day set for the hearing of additional testimony in the matter of the application of Clara A. Ward for enrollment as a citizen of the Cherokee Nation has been changed from June 27, 1903, to July 11, 1903.

Respectfully,

Commissioner in Charge.

BCJ



Cherokee R-151

Tahlequah, Indian Territory, July 7, 1903.

H. F. Robinson,

52 William Street,

New York City, N.Y.

Dear Sir:

The Commission is in receipt of your letter of June 4, stating that you do not now represent Clara A. Ward in the matter of her application for enrollment as a citizen of the Cherokee Nation, but that Kimball and White, Washington, D.C., are now sole counsel for Miss Ward. Your letter has been duly noted.

Respectfully,

MYM

Cherokee R-151

Tahlequah, Indian Territory, July 18, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith the jacket, record and card in the matter of the application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation.

This case was, on May 1, 1903, reopened by the Secretary of the Interior and remanded to the Commission for further proceedings and readjudication. The record was forwarded to this office for the purpose of giving the applicant and the Cherokee Nation an opportunity to introduce any further testimony they might have.

The parties were notified that, on July 11, such testimony could be introduced. There was no appearance, either by the applicant or by the Cherokee Nation on that day, and the attorneys for the applicant have written the Commission that they do not desire to introduce further testimony.

The case is forwarded to the central office for the purpose of preparing a decision.

Respectfully,

KFM

Commissioner in Charge
Cherokee Land Office.

Enc. M-42

76

DEPARTMENT OF THE INTERIOR. ~~THE~~
WASHINGTON.

I.T.D. 7535-1902.
8247-1903.

October 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

The argument in the matter of the application for enrollment of Clara A. Ward as a citizen of the Cherokee Nation is herewith returned. It bears no evidence of service upon the attorney for the applicant, but has been served upon the applicant herself. You are advised, however, that the case was remanded to the Commission to the Five Civilized Tribes May 1, 1903. The argument was received with your letter of September 17, 1903.

Respectfully,

1 inclosure.

John L. ...
Acting Secretary.

Cherokee R 151

Muskogee, Indian Territory, February 13, 1904.

Kimball & White,
Attorneys for Clara A. Ward,
Columbian Building,
Washington, D. C.

Gentlemen:

The Commission is in receipt of your letter of February 6th, asking for an early decision in the case of Clara A. Ward, Cherokee R 151.

In reply you are advised that the Commission has not yet rendered a decision in that case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Commissioner in Charge.

BY

Cherokee R-151.

Muskogee, Indian Territory, March 11, 1904.

Clara A. Ward,

C/o Henry J. Ward,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorneys, Kimball and White, Washington, D. C., a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. G-35.

Cherokee 1-151.

Muskogee, Indian Territory, March 11, 1904.

Kimball & White,
Columbian Building,
Washington, D. C.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. G-36.

Commissioner in Charge.

mdg

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. | Cherokee R-151.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, rejecting the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Enc. G-37.

Commissioner in Charge.

Cherokee R-151.

Muskogee, Indian Territory, March 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Clara A. Ward for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated March 10, 1904, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. C-38.

(COPY)

Refer in reply
to the following:
Land
18217-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

WASHINGTON.

July 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 11, 1904 transmitting the record of the application of Clara A. Ward for enrollment as a Cherokee citizen by blood.

November 20, 1902, the Commission decided that the applicant was not entitled to enrollment as a Cherokee citizen by blood. January 8, 1903, the Department affirmed the decision of the Commission rejecting the application.

April 22 29, 1903, the applicant filed a brief which was treated by the Department as a motion for reopening the case. May 1, 1903, the Department rescinded its action of January 8, 1903, and remanded the case for further proceedings and readjudication.

March 10, the Commission decided adversely to the applicant.

The record shows that the applicant, Clara A. Ward, was born in 1859 of Cherokee parents in the Cherokee Nation; that she has three brothers living in, and citizens of the Cherokee Nation; that her father, James A. Ward, a Cherokee and Moravian

Missionary was killed in the Indian Territory during the war and her mother, a Cherokee, took this applicant, with others, and fled to the state of Illinois and died there in January 1864; that the Moravian church took charge of the applicant then five years of age, removed her to Hope, Indiana, for five years when she was taken by a Moravian as a servant until she attained the age of twenty-one years. She then sought employment in a Hospital, and in time became a trained nurse, finding employment in various places of the Country. While the applicant has not personally resided in the Cherokee Nation since infancy, except for one year in 1900, yet it is in evidence that she has always claimed the Nation as her home and has been absent therefrom solely for the purpose of earning a livelihood in her profession. Her name, together with three brothers, who are Cherokee citizens, is found on the Cherokee pay roll of 1883 as No. 2218, and on or about December 18, 1891, she received the sum of \$35.35 as one of the persons listed on the Old Settler's Roll.

While the law and decisions of the department are not clearly favorable to the applicant, yet the equities of the case should entitle her to enrollment.

In the Lizzie Woodward case (Ind. Ter. Div. 1736-1901), the Department said " the only interest the government has in this matter is to see that exact justice be done, that every person

honestly entitled to participation be sought out and cared for and that every spurious claim be beyond a peradventure shown to be spurious".

It is manifest as admitted in the Jessie Mae Hall case (I.T.D. 4722-1900) that the applicant must have a residence somewhere and like the case of the Halls, she is a wanderer from her tribe seeking a livelihood among strangers.

It has been clearly established that the applicant was born of intermarried Cherokee citizens and that she has been enrolled by the Cherokee Nation as one of its citizens and has been recognized as such by the government of the United States by its allowance to her of the sum of \$3.35 on the Old Settlers Roll, Cherokee Nation. It is further shown that the applicant has never established citizenship in any other Nation, State or Country, or declared her intention in that respect.

In the case of Elk v. Wilkins (112 U.S. Rep. p 94) Mr. Justice Gray delivering the opinion of the Court said:

"Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to one of the Indian tribes (an alien, though dependent, power) although in a Geographical sense born in the United States, are no more born in the United States and subject to the jurisdiction thereof" within the meaning of the first section of the Fourteenth Amendment, than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States,

of ambassadors or other public ministers of foreign nations.
..... Such Indians, then, not being citizens by birth, can only become citizens in the second way mentioned in the Fourteenth Amendment, by being "naturalized in the United States," by or under some treaty or statute."

In the "Yeargain Case" (I.T.D. 1169-1903) the Assistant Attorney General said with the approval of the Department.

There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation, viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship therein.

In view of the record it is recommended that the decision of the Commission adverse to the applicant be reversed and the applicant enrolled as a Cherokee citizen by blood.

Very respectfully ,

A. C. Tonner
Acting Commissioner.

M.H.H.

V

3 encls.

(C O P Y)

J . P .
CMR

D. C 26796-1904
I.T.D. 5878-1904.

DEPARTMENT OF THE INTERIOR,

L R S

WASHINGTON.

July 25, 1904

The Commission

to the Five Civilized Tribes.

Gentlemen:

There is inclosed herewith copy of letter of July 19, 1904, of the Acting Commissioner of Indian Affairs, submitting the papers in the case involving the application of Clara A. Ward for enrollment as a Cherokee citizen by blood, in which he recommends that your decision adverse to the applicant be not concurred in.

It is requested that you furnish the attorney for the Cherokee Nation a copy of the Acting Commissioner's letter and advise him that he will be allowed thirty days to file any argument he may desire in the matter, copy to be served upon the attorney for the applicant. You will also advise the attorney for the applicant that he will be allowed ten days to reply to any argument submitted by the Nation.

Respectfully,

(Signed)

Thos. Ryan
Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R-151.

Muskogee, Indian Territory, August 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of July 25, in which it is stated that the Commissioner of Indian Affairs recommends that the Commission's decision, rejecting this applicant, be reversed, and that the applicant be enrolled as a citizen by blood of the Cherokee Nation.

In accordance with instructions contained in said letter you are advised that you will be allowed thirty days from date hereof, within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as you may desire to submit in this case, copies of which argument you will be required to furnish both the applicant and her attorneys, Kimball & White, Washington, D. C. For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,



Commissioner in Charge.

Encl. S-26.

Cherokee R-151.

Muskogee, Indian Territory, August 12, 1904.

Clara A. Ward,

Care of Henry J. Ward,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of July 25, in which it is stated that the Commissioner of Indian Affairs recommends that this Commission's decision, rejecting your application, be reversed and that you be enrolled as a citizen by blood of the Cherokee Nation.

In accordance with instructions contained in said letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof with in which to file with the Commission, for transmission to the Secretary of the Interior, such argument as he may desire to submit in this case, copies of which argument he will be required to furnish both yourself and your attorneys, Kimball & White, Washington, D. C. You will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said argument.

For your information there is herewith enclosed a
copy of the Department's letter.

Respectfully,

Encl. S-25.

Commissioner in Charge.

Cherokee R-151.

Muskogee, Indian Territory, August 15, 1904.

Kimball & White,

Attorneys for Clara A. Ward,

Columbian Building, 416 Fifth St., N. W.,

Washington, D. C.

Gentlemen:

In the matter of the application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of departmental letter of July 25, in which it is stated that the Commissioner of Indian Affairs recommends that the Commission's decision, rejecting said application, be reversed, and that the applicant be enrolled as a citizen by blood of the Cherokee Nation.

In accordance with instructions contained in said letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as he may desire to submit in this case, copies of which argument he will be required to furnish both the applicant and yourselves. You are advised that you will be allowed ten days additional within

-2-

which to file with the Commission, for transmission to the Secretary, a reply to said argument. For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Encl. S-27,

Commissioner in Charge.

COPY.

Cherokee B-151

Muskogee, Indian Territory, September 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 25, 1904, (I.T.D. 5878-1904), there is enclosed herewith copy of the argument filed with the Commission by the attorneys for the Cherokee Nation in the case of Clara A. Ward, together with the reply brief of the applicant.

Respectfully ,

James Dixby.
Chairman.

2 Enc. B-12.

Through the

Commissioner of Indian Affairs.

- COPY.

Cherokee N-151

Muskogee, Indian Territory, September 30, 1904.

Kimball & White,

Attorneys at Law,

Columbian Building, 416 5th St., N. W.,

Washington, D. C.

Gentlemen:

The Commission is in receipt of your letter of the 13th instant, inclosing reply brief for the applicant in re application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation, and said brief has this day been transmitted to the Secretary of the Interior.

Respectfully,

SIGNED

Jame Dixby.
Chairman.

(COPY)

I.T.D.

5878-1904.
10132 "

DEPARTMENT OF THE INTERIOR

Office of the Assistant Attorney-General

J.R.W.

W.C.P.

S.V.P.

Washington, March 25, 1905.

The Secretary of the Interior.

Sir:

I received by reference of October 17, 1904, with request for my opinion thereon, the papers in the application of Clara A. Ward to be enrolled as a citizen of the Cherokee Nation.

The applicant was born in the nation, to its allegiance, of Cherokee parents, in 1852, and lived there until September 2, 1862, when her father, a Moravian missionary, was killed. The widow and five children went to Illinois, where she died in 1864. The orphaned children were educated by the Moravian Missionary Society -- Clara at New Hope, Indiana. When of age she entered Bellevue Hospital, New York, served two years, and was admitted by diploma to the profession of trained nurse. She has practiced this calling ever since in different States, making her headquarters in New York City, where she has a furnished room. She was never again in the nation until September 7, 1900, and remained a little over a year, when she returned to New York, and does not intend to return to the nation if denied enrollment. She is identified, under the name C. E. Ward, on the 1883 Cherokee payment roll. She has not retained property or effects in the nation, and has never applied to the Cherokee authorities for readmission, and has not been readmitted. November 20, 1902, the commission denied her enrollment, under paragraph 9, section 21 of the act of June 28, 1898.

(30 Stat., 495), and May 1, 1903, the Department reopened and remanded the case for further proceedings and readjudication. March 10, 1904, the commission referring to section 2 of the Cherokee constitution held that the applicant is not entitled to enrollment and denied her application.

The provision of the Cherokee Constitution referred to is:

That, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government all his rights and privileges as a citizen of this Nation shall cease; provided, nevertheless, that the National Council shall have power to readmit by law, to all the rights of citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such readmission.

The brief of applicant rests her right to enrollment upon two grounds, viz: Section 6 of the act of February 8, 1887 (24 Stat., 388, 390), and upon the impossibility of her being expatriated by the provision of the Cherokee Constitution, above quoted, as there was no law permitting her naturalization, as decided by the court in Elk v. Wilkins (112 U.S., 94).

The act of February 8, 1887, generally known as the Indian allotment act, by its eighth section, expressly excepted from its operation the territory occupied by the Cherokees, and that of other specified tribes. The tribes whose lands were thus excepted included all those who had as tribes advanced to constitutional government, with organized courts for protection of rights of persons and property. It is a settled policy of

the United States in dealing with the Indian tribes to recognize their right to regulate their own internal policy and government. Some tribes had fallen far behind others in development toward civilized government, and individual members of such backward tribes were advanced beyond the social development of their tribe. In view of such fact, the Indian Department in construction of the allotment act has regarded it as applying to the members of those tribes only whose tribal lands were not excepted by the eighth section. Section 6, however, reads:

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law, or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

The first sentence quoted cannot possibly have any operation as to members of tribes whose territories are excepted from operation of the eighth section. The members of tribes whose lands are not subject to allotment would not have allotments. After the subject of protection of Indian allottees follows the grant of citizenship, which is given (1) to Indians who have taken up allotments, and (2) to --

every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, whether

said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

The construction by the Department has been that this provision had reference to members of tribes subject to the general allotment provisions of the act, so that the taking of an allotment was not made an essential condition to American citizenship. This construction harmonizes with the expressed purpose of the eighth section, not to interfere with the tribal organization or self-government of such tribes, thus restraining the unlimited words of the act to operate according to its general purpose. The Department adheres to such construction, and it follows that the applicant is not within the benefit of section 6 of the act of 1887, and this part of her contention must be denied.

In Elk v. Wilkins, supra, the court held that:

But the question whether any Indian tribes, or any members thereof, have become so far advanced in civilization, that they should be let out of the state of pupilage, and admitted to the privileges and responsibilities of citizenship, is a question to be decided by the nation whose wards they are and whose citizens they seek to become, and not by each Indian for himself.

The court also held that the general naturalization acts do not apply to Indians, and that members of an existing Indian tribe which has not as a tribe "totally extinguished their national fire and submitted themselves to the laws of the United States" can never become or be deemed citizens of the United States, "except under explicit provisions of treaty or

statute to that effect."

Based on this decision, the applicant's contention is, that she has never become expatriated from the Cherokee Nation under the provision of section 2 of its constitution, which makes the becoming "a citizen of any other nation" one of the essential conditions. Her reasoning, in brief, is that as she did not and could not become a citizen of the United States (unless under the act of 1837, supra, which saved her rights), therefore her rights of Cherokee citizenship could not be lost.

The argument is specious, but, in my opinion, not sound. In administration of the Cherokee tribal property for distribution to the members of the nation, the United States acts as trustee, with no interest in itself or otherwise than to effect a faithful discharge of its trust. The property is communal and belongs to the community. The title was granted to the nation by the United States. Those only have interests in it who are citizens of the nation, and their interest is a mere incident to such citizenship. Who are Cherokee citizens, is peculiarly a question of Cherokee law, when such law is not overborne by any act of Congress. The words or provisions of Cherokee law must be interpreted, for this purpose, as the Cherokee authorities interpret and understand them. Measured and interpreted by this rule, the meaning of this provision of the Cherokee Constitution is not obscure.

The Cherokee Constitution was adopted in 1839, long prior to the decision in Elk v. Wilkins, and without reference

to the doctrine there announced. The evil that was aimed at appears to have been the withdrawal of the more civilized and progressed element of the people, retarding the general progress and development, without contributing by their efforts to that end, or bearing any inconveniences of a rude condition of society of any of the nation's burdens. In respect to the Eastern Cherokees, who never migrated to the nation, this evil was commented upon in the case of the Cherokee Trust Funds (117 U.S., 288, 311).

The practice of the Cherokee Nation shows this to be the construction given this provision. That practice has been that withdrawal by a citizen of his person and effects worked his loss of citizenship, which only the National Council had power to restore by readmission. The council was at times free to pass acts of readmission and in many cases the persons obtaining such favor neglected to return. The evil became so great that, December, 1894, the council by general act required return of readmitted citizens within six months. I am therefore of opinion that a proper construction of this provision is, that withdrawal of the person and effects of a citizen from the nation without intention to return, and identification with another and alien community work loss of citizenship, whether actual citizenship is elsewhere acquired or not. This construction accords with the practice of the Cherokee authorities, and their understanding and construction of it.

Under this construction there can be no doubt that the applicant lost all right of citizenship. After she was of full age, from 1880 until September 7, 1900, a period of about

twenty years, she was to all intents and purposes voluntarily identifying herself with a community alien to the Cherokee Nation, contributing in her useful calling to its life and development, but neither by her personal activities, thought, or means aiding in the progress, or contributing by her means and effects to the upbuilding of the Cherokee Nation. She, in my opinion, thereby became, or not a citizen of the United States, at least a non-tribal Indian of Cherokee descent, but not longer a member of the Cherokee Nation, until readmitted in accordance with Cherokee laws and usages.

This is in harmony with the decisions of the United States courts for the central and southern districts of the Indian Territory in citizenship cases appealed from the Commission to the Five Civilized Tribes under the act of 1866, in the case of Caleb W. Hubbard et al. v. Cherokee Nation; and application of certain persons v. Cherokee Nation. The courts held that the provision of the Cherokee Constitution, above referred to, and Cherokee law and usage control, no act of Congress existing to the contrary.

I am therefore of opinion that the application of Clara A. Ward was properly denied by the commission.

Very respectfully,

(Signed), Frank L. Campbell,

Assistant Attorney-General.

Approved: March 23, 1905.

(Signed) E. A. Hitchcock,
Secretary.

J.W.H.
FHE.

D.C. 17803-1905.
I.T.D. 5878-1904.
3096-1905.
LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 31, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 11, 1904, you transmitted the record in the matter of the application of Clara A. Ward for enrollment as a citizen by blood of the Cherokee Nation, with your decision of March 10, 1904, denying said application.

Reporting in the matter July 19, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed and that the applicant be enrolled as a citizen by blood of the Cherokee Nation.

In an opinion rendered March 25, 1905, approved by the Department the same day, the Assistant Attorney General held that you properly denied the application of Clara A. Ward. Following this opinion, a copy of which is inclosed herewith, the Department hereby affirms your decision.

Respectfully,

(Signed) H. A. Hitchcock.
Secretary.

1 inclosure.

COPY.

Cherokee R-151.

Muskogee, Indian Territory, April 17, 1905.

Clara A. Ward,

Care of Henry J. Ward,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1905.

Respectfully,

SIGNED: *Jams Dixby.*
Chairman.

ABCD

COMMISSIONERS:
TAMS BERRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT OF THE COMMISSIONER
Cherokee R-151.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

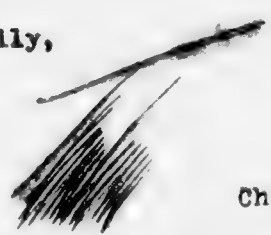
Muskogee, Indian Territory, April 17, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1905.

Respectfully,



Chairman.

COPY.

Cherokee R-151.

Muskogee, Indian Territory, April 17, 1905.

Kimball & White,

Attorneys for Clara A. Ward,

Columbian Building, 416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1905.

Respectfully,

SIGNED. *Tamc Dixby.*
Chairman.

COPY.

Cherokee B-151.

Muskogee, Indian Territory, April 19, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Clara A. Ward as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1905.

Respectfully,

Jams Bixby.
Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR
Office of the Assistant Attorney-General
Washington.

J.R.V.
W.C.P.
F.V.C.

I.T.D.
13416-1906.

February 26, 1906.

The Secretary of the Interior.

Sir:

I received by reference of October 17, 1905, for opinion, the motion of counsel for Clara A. Ward, applicant for enrollment as a citizen of the Cherokee Nation, for a rehearing.

Examination of the brief of counsel shows that the motion is based on a mistaken theory that the Cherokee constitutional provision as to expatriation of Cherokee citizens must be interpreted and applied according to its letter and rules of English grammar, rather than as the Cherokee Nation and courts have understood, interpreted, and applied it from adoption of that instrument. To interpret the Cherokee constitution by the rule contended for would not only violate established rules of judicial construction, but also the express mandate of Congress, which directed by the act of June 10, 1896 (29 Stat., 321, 339):

that in determining all such applications said Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States . . . and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes.

In the interpretation of an Indian constitution or statute the interpretation given to it by the Indian courts or

proper Indian is the one that must obtain. Talton v. Hayes (163 U.S., 376, 386). It would therefore be a violation of the rule fixed by the Supreme Court and by Congress for me or the Department to construe the expatriation provision of the Cherokee constitution otherwise than as the Cherokee authorities have always construed it. This was done in my opinion herein, and it was therein pointed out that the instrument long antedated the decision in Elk v. Wilkins (112 U.S., 94), so that the construction of the words used in the instrument could not be controlled by that decision.

Counsel cites the opinions of this office of March 16, 1903, in the case of Joseph D. Yeargain and others, and February 6, 1904, in case of John R. Trett. The records of this office show that no such opinion as that last mentioned was ever rendered, and counsel apparently intend by such citation to refer to departmental decision of that date in the case of John R. Trett. Counsel in argument, quoting from departmental decision in Trett's case, say:

These rules laid down in the Trett case by the Assistant Attorney-General himself are supported by all the authorities and are unanswered. . . . I insist and propose to prove right now that in this Clara A. Ward case he has done the very thing which in the Trett case he said "is not permissible." He has had to "wander from established rules for statutory construction in pursuit of a supposed intent, neither expressed in the act, nor in similar acts upon the same subject, merely to work a forfeiture of rights not forfeited by the letter of the act." And here is the language in which it is done:

"The evil that was aimed at (by the Cherokee constitution, section 2,) appears to have been the withdrawal of the more civilized and progressed element of the people, retarding the general progress and development, without contributing by their efforts to that end, or bearing any inconveniences of a rude condition of society or any of the nation's burdens. . . . That practice (of the Cherokee Nation) has been that withdrawal by a citizen of his person and effects worked his loss of citizenship, which only the National Council had power to restore by readmission. . . . I am therefore of opinion that a proper construction of this provision is, that withdrawal of the person and effects of a citizen from the nation without intention to return and identification with another and alien community work loss of citizenship, whether actual citizenship is elsewhere acquired or not."

Thus has the Assistant Attorney-General in the Ward case "wandered from established rules for statutory construction in pursuit of a supposed intent." The rules from which he has wandered are the rules as laid down by himself in the Trott case. The intent is, as he put it, "a supposed intent." It is, as expressed in the Trott case, "neither expressed in the act, nor in similar acts upon the same subject," and the construction placed upon the Cherokee constitution in the Clara A. Ward case is not only opposed to all the rules of statutory construction as laid down by all the authorities, but it is contrary to the language, reasoning, and the law as laid down in the Yeargain and Trott cases.

The Assistant Attorney-General will hunt in vain in the law books for a single case where a statute which works a forfeiture has not been strictly construed. He will hunt in vain for a case in which if three things are required to be done to work forfeiture, two of these things have been held to be sufficient.

The quotation of language to the same general purport might be considerably extended, but this suffices to show that the motion is based on an assumed infallibility of counsel in arriving at and stating the controlling principle, the reasoning, and the rule in Yeargain's case. Yeargain was born in the Cherokee Nation, to its allegiance, and always from his birth participated in the manner appropriate to his age in its social,

political, and business activities and life. His property, real and personal, was, in the greater part, in the nation; he voted at all its elections; he held office by choice of its electors, and sat in its councils. In his social, political, economic, and business activities he was throughout a Cherokee. The entire quotation from my opinion in the case of Clara Ward could well be set into the opinion in Yeargain's case as reason why upon the facts therein he had not forfeited citizenship, though the same reasons and principles applied to the facts in Miss Ward's case clearly exclude her. This being so, the opinions are not at variance with each other, and no assertion of counsel can make them so.

In Trott's case the facts were, that he was born in the Cherokee Nation about 1839, lived there till the disturbed times of 1861, when he went to Virden, Illinois, to school, apparently remained there after his school years, as he married there in 1867, but returned to the nation in 1877, where he remained until 1884, when he entered and remained in the service of the United States for ten years, and then returned to the nation. He was recognized by the tribal authorities, and was borne on its rolls -- that of 1894 at least -- as a Cherokee citizen. In the periods of his absence he had personal property and real estate in both town and country in the Cherokee Nation.

Construing the expatriation provision in the way the Cherokee courts and political department of their government

construe it, neither Yeargain nor Trett lost citizenship, and applying the same rule of construction to the facts in Miss Ward's case, her citizenship was lost. Though counsel may be unable to see, or unwilling to admit, that no conflict exists between the opinions in the Yeargain and the Ward cases, or that no material difference exists in their facts, yet no conflict exists between them, and I adhere thereto.

No claim is made of discovery of new evidence or desire to adduce further evidence. The motion is on a theory of error of law only. I am therefore of opinion that it is without merit, and should be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: February 26, 1906.

E. A. Hitchcock,

Secretary.

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHM.

D. C. 8775-1906.
I.T.D. 13416-1905.
3732-1906.

March 2, 1906.

LRS

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 26, 1906, approved the same day, on a motion for review in the Cherokee enrollment case of Clara A. Ward.

In view of said opinion the motion is hereby denied.

The Indian Office has been requested to advise the local attorney who filed the motion of this action.

A copy of the letter of said office of October 11, 1905, submitting the motion, is inclosed.

Respectfully,

(Signed) Thos Ryan.

First Assistant Secretary.

2 inclosures.

Cherokee R-151.

Muskogee, Indian Territory, March 10, 1906.

Clara A. Ward,
Care of Henry J. Ward,
Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the opinion of the Assistant Attorney General dated February 26, 1906, in which the motion for a review of your Cherokee enrollment case is denied.

Respectfully,

Incl. 3-48

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-151.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 10, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

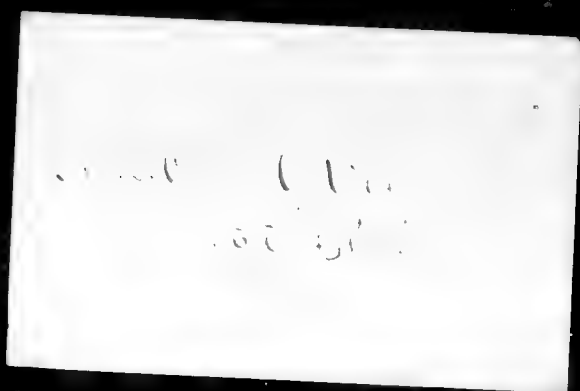
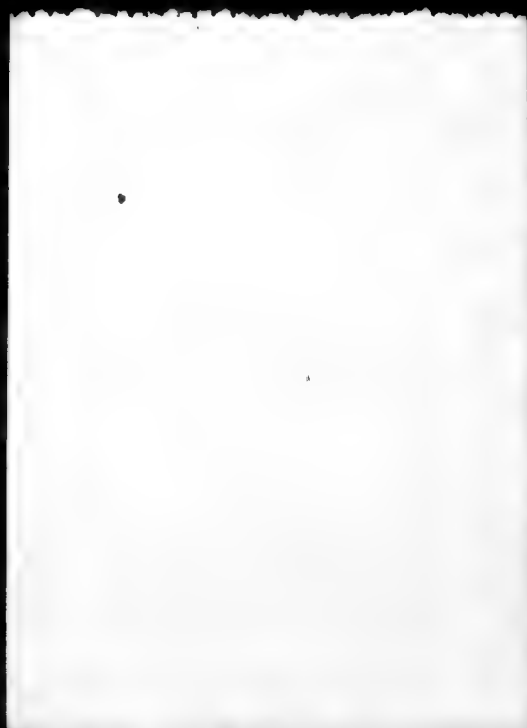
Dear Sir:

There is inclosed herewith a copy of the opinion of the Assistant Attorney General, dated February 26, 1906, in which the motion for a review of the Cherokee enrollment case of Clara A. Ward is denied.

Respectfully,

Incl. S-49

Acting Commissioner.



Commissioner to the Five Civilized Tribes.

In the Matter of

Lands

CLARA A. WARD.

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

154

Cher R 152

Cher R 152

(1)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 19, 1900.

In the matter of the application of William C. C. Horn for enrollment of himself, wife and one child, as citizens of the Cherokee Nation, said Horn being sworn by Commissioner Needles, testified as follows:

Q What is your name? A William C. C. Horn.
Q Your age? A 37.
Q What is your postoffice address? A Rays Mill, Texas.
Q Where do you reside? A In Texas.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A No.
Q How many do you apply? A Myself, wife and one child.
Q What is the name of your father? A William T. Horn.
Q Is he living? A No sir.
Q What is the name of your mother? A Martha.
Q Is she living? A Yes.
Q Where does she live? A Texas.
Q Where were you born? A In Texas.
Q Have you ever lived in the Cherokee Nation? A No sir.
Q What is the name of your wife? A Mollie.
Q Is she a white person? A Yes.
Q When did you marry her? A December 29, 1897.
Q What are the names of your children? A Margaret L., 11 months old.
Q How old is any one of your children? Is your name upon the '90 roll? A I don't know; we were enrolled in '90 sometime, but don't know whether it is on the '90 or not.

Applicant presents a certificate of admission issued from the Executive Department of the Cherokee Nation, certifying that among others, W. C. C. Horn, was admitted to citizenship on the 14th day of January, 1898, said certificate being signed by C. J. Harris, Assistant Executive Secretary, under great seal of the Cherokee Nation. Are you the identical W. C. C. Horn mentioned in this certificate you present? A Yes.

Q Are you on the roll of '90? A I don't know; I think so.

Q How are you on the '94 roll? A Yes, I think so.

On '94 roll, page 205, number 1937, Wm. C. C. Horn.

Q I understand you to say that you were born and raised in the State of Texas and never lived in the Cherokee Nation? A No sir.

The name of William C. C. Horn appears upon the pay-roll of '94. In presence of certificate of admission here particularly described in the testimony certifying that he was admitted to citizenship on the 14th day of January, '98. He avers that he has one child named Margaret L., and that he was married to one Mollie Keen, a white person, in the year '97. The name of William C. C. Horn does not appear upon the authenticated roll of '90 nor the census roll of '96. Testimony shows conclusively that he has never been a resident of the Cherokee Nation. Also testimony shows that he was married to his wife in 1897 which was after the date prescribed by the laws of the Cherokee Nation, December 10, 1895, prohibiting non-citizens who intermarry with citizens of the Cherokee Nation from acquiring or receiving any rights as Cherokee citizens. In name of his child, Margaret L. Horn, he has no name upon any of the rolls now in possession of this Commission and he presents no proof of birth, consequently the application of the said William C. C. Horn for enrollment of himself and his wife, Mollie, and his child, Margaret L., will be refused.

The testimony taken herein, and also the judgment given, will be forwarded to the Secretary of the Interior when the rolls now being

made of the Cherokee nation, are completed and forwarded to him for his approval.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. D. James

Subscribed and sworn to before me this 21st day of September, 1906.

C. M. Burke
Commissioner.

10

7

12

24 10 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(37) Name William S. V. Horn Date SEP 19 1900 1900.
Ray's Mill Texas
District COOWEESCOOWEE Year 1894 Page 205 No. 1937

Citizen by blood yea Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Mally Horn Certificate nee Keen

Wife's name Mally Horn

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

2 Margaret Horn	Dist.	Year	Page	No.	Age 21 mo
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

2 Affidavit of birth to be supplied

9

IN RE

Application for Enrollment of

INFANT CHILD

is a citizen of the

Nation.

Approved.

190

190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation
of *Margaret Horn* born on the *23* day of *December*, 18*98*
(Here insert name of child)
Name of Father: *William H. Horn* a citizen of the *Cherokee* Nation.
Name of Mother: *Mollie Horn* a citizen of the *Cherokee* Nation.
Post-office: *Long Mill, Texas.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.
State *INDIAN TERRITORY of Texas*
County *Collin* District.

I, *Mollie Horn*, on oath state that I am *26*
years of age and a citizen, by *adoption*, of the *Cherokee* Nation;
that I am the lawful wife of *Wm H. Horn*, who is a citizen, by
blood, of the *Cherokee* Nation; that a *female* child was
born to me on the *23rd* day of *December*, 18*98*; that said child has been
named *Margaret L. Horn*, and is now living.

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *28th* day of *Sept.*, 1900.

J. Moulden, Clerk, County Court
Collin County, Texas.
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.
State *INDIAN TERRITORY of Texas*
County *Collin* District.

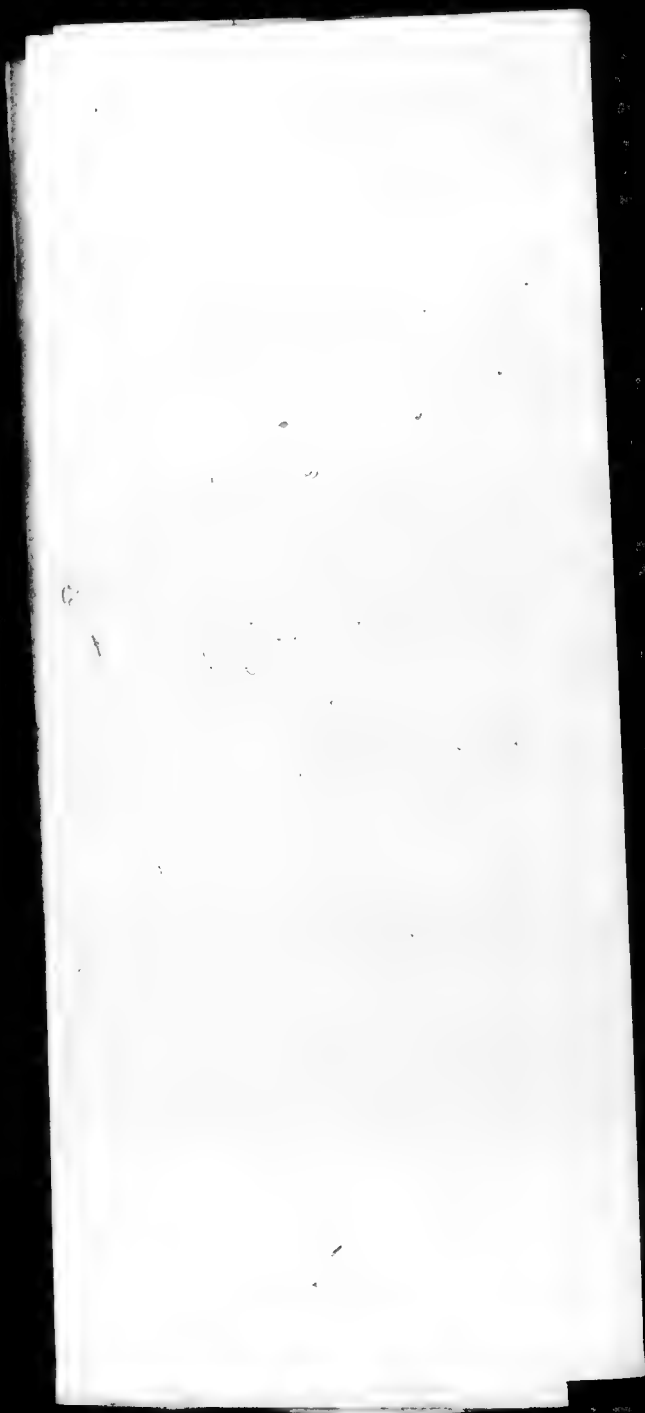
I, *J. W. Wiley*, a *Physician*, on oath state that I
attended on Mrs. *Mollie Horn*, wife of *William H. Horn*,
on the *23rd* day of *December*, 18*98*; that there was born to her on
said date a *female* child; that said child is now living and is said to have been
named *Margaret L. Horn*.

WITNESSES TO MARK

(Must be Two
Witnesses.)

Subscribed and sworn to before me this *28th* day of *Sept.*, 1900.

J. W. Wiley
J. Moulden, Clerk, County Court
Collin County, Texas.
NOTARY PUBLIC

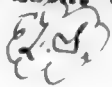


The State of Texas)

County of Collin) To any Regularly Licensed or Ordained Minister of the Gospel, Jewish Rabbi, Judge of the District or County Court, or any Justice of the Peace in and for said County-- GREETING:

You are hereby authorized TO solemn^{ize} the Rites of Matrimony between Mr. W.G. C. Horn, and Miss Mollie Keen and make due return to the Clerk of the County Court of said County within sixty days thereafter, certifying your action under this License.

Witness my official signature and seal of office, at office in -----
the 28th. day of December A.D. 1897.



J.A. Walden
Clerk County Court Collin County Texas
By A. P. Carter Deputy

I ----- hereby certify that on the 29th. day of Dec. A.D. 1897.

I united in Marriage W.G.C. Horn and Miss Mollie Keen the parties above named.

Witness my hand this 1st. day of Jan. A.D. 1898.

J.A. Hombeak.

Returned and filed for record the 7 day of Moh. A.D. 1898, and recorded the 7 day of Moh. A.D. 1898.

J.A. Walden County Clerk.

By J.J. Walden Deputy.

The State of Texas)

County of Collin) I, J.P. Moulden, Clerk of the County Court of Collin County Texas, do hereby certify that the above is a full, true and correct copy of the Marriage license of W.G.C. Horn and Miss Mollie Keen as the same appears of record in book 11 page 35 Marriage records of Collin County Texas.

Witness my hand and seal of said Court this 21st. day of Dec. A.D. 1901.

J.P. Moulden
Clerk of the County Court Collin Co. Tex.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William G. C. Horn, his daughter Margaret L. as citizens by blood, and his wife Mollie Horn, as a citizen by intermarriage, of the Cherokee Nation.

D E C I S I O N

--OoO--

It appears from the record in this case that on the 19th day of September, 1900, William G. C. Horn appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself and daughter as citizens by blood, and for his wife Mollie Horn as a citizen by intermarriage, of the Cherokee Nation.

The testimony in this case shows that the said William G. C. Horn was married on the 29th day of December, 1897, to his wife hereinbefore mentioned, and that prior to his marriage, the said William G. C. Horn was admitted to citizenship on the 12th day of January, 1883, by the Cherokee Commission.

William G. C. Horn is identified on the Cherokee Strip Payment Roll of 1894; and the application for their enrollment is based upon the foregoing facts.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the


Cherokee Nation, whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It further appears from the testimony in this case that the aforesaid William G. C. Horn was born and reared in the State of Texas, and has never resided in the Cherokee Nation; and having failed to take advantage of the citizenship conferred upon him by the Cherokee Commission, hereinbefore mentioned, he is considered to be embraced in that class of persons to which the Act of Congress approved June 28, 1898, (30 Stats., 495), section twenty one, paragraph nine, applies, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....."

Possessing no rights of citizenship himself, he is unable to confer upon his daughter, Margaret L. Horn, rights which he does not possess; and his wife Mollie Horn, by her marriage to the said William G. C. Horn acquires no rights of citizenship.

In view of the law and testimony as shown in this case, it appears that the applicant William G. C. Horn, and his daughter Margaret L. Horn are not entitled to be enrolled as citizens by blood; and that his wife Mollie Horn is not entitled to be enrolled as a citizen by intermarriage, of the Cherokee Nation; and it is so ordered.


C. R. Beckwith
Commissioners.

Dated at Muskogee, Indian Territory,
this 21 day of April, 1902.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

COPY.

Cherokee R-152

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of William G. C. Horn, Margaret L. Horn, and Mollie Horn as citizens of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application of the said persons as citizens of the Cherokee Nation.

Very respectfully,

W. G. Woodlee
(SIGNED)
Commissioner in Charge.

1 Encl. No. R-152.

CHANDLER, C. W.

1911-1912

1912-1913

1913-1914

COPY.

Muskogee, Indian Territory, April 26, 1902.

Mr. William G. C. Horn,
Rheas Mill, Texas,

Sir:

Enclosed herewith please find copy of the Commission's decision rendered April 26, 1902, in the matter of your application for the enrollment of yourself and your daughter Margaret L. Horn as citizens by blood of the Cherokee Nation; and for the enrollment of your wife Mollie Horn as a citizen by intermarriage of the Cherokee Nation.

The Commission has on this day forwarded a copy of its decision, together with a record of the proceedings had in the matter of your application, to the Secretary of the Interior for his consideration and final decision.

The Secretary's final action will be duly communicated to you so soon as the same is made known to this Commission.

Very respectfully,

(SIGNED) *I. D. Woodies.*
Commissioner in Charge.

Encl. B-43.
Register.

COMMISSIONERS
HENRY L. DAWKINS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee B-182

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith please find Commission's decision of date April 26, 1902, in the matter of the application of William G. C. Horn et al, for enrollment as citizens of the Cherokee Nation.

Very respectfully,



Commissioner in Charge

Encl. B-18.

COPY.

Refer in reply to
the following:

Land
25920-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 9, 1902.

The Honorable

The Secretary of the Treasury.

Sir:

I have the honor to transmit herewith the report of the Commission to the Five Civilized Tribes made April 26, 1902, forwarding the record in the matter of the application of William G. C. Horn, et al., for enrollment as citizens of the Cherokee Nation. Mr. Horn applies for the enrollment of himself and his child Margaret L. Horn as citizens by blood, and for the enrollment of his wife, Mollie, as a citizen by inter-marriage.

The Commission on April 26, 1902, refused to enroll the applicants.

The principal applicant was admitted to citizenship in the Cherokee Nation November 12, 1883 by the Cherokee Commission, and his name appears on the 1894 pay-roll. He has since birth been a resident of the State of Texas, and never resided in the Cherokee Nation. Therefore his application should be denied under the following provision of the Act of June 28, 1898:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;"

As the principal applicant has no rights of citizenship it necessarily follows, as stated by the Commission, that he can confer no rights upon his wife or children.

It is therefore respectfully recommended that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

WCV
D

3 inclosures.

D.C.8980-1902.

F.

L.R.S.

31344

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.3040-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application for enrollment of William G. C. Horn and his daughter, Margaret L. Horn, as citizens by blood of the Cherokee Nation, and his wife Mollie Horn, as a citizen by intermarriage - R 152 - and recommended that your decision of April 26, 1902, be approved.

You found that William G. C. Horn was admitted to citizenship January 12, 1883, by the Cherokee Commission; that he is identified on the Cherokee Strip Payment Roll of 1894; that in December, 1897, he was married to his said wife; that he has never resided in the Cherokee Nation, but has lived in Texas where he was born, and for this reason you rejected the application in accordance with paragraph nine of Section 21 of the act of June 28, 1898 (30 Stat., 495).

The Department affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD

Cherokee R-152.

COPY.

Muskogee, Indian Territory, July 8, 1902.

William G. C. Horn,

Ray's Mill, Texas.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself and child, Margaret L. Horn, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife Mollie Horn as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

Commissioner in Charge.

Register.

Cherokee R-152.

COPY

Muskogee, Indian Territory, July 8, 1902.

Mr. C. E. Castle,
Attorney at law,
Wagener, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of William G. C. Horn, for the enrollment of himself and his daughter, Margaret L. Horn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Mollie Horn, as a citizen by intermarriage of the Cherokee Nation, in which case you appear of record as attorney for the applicant, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

Acting Chairman.

Register.

200
JUL

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-152.

ADDRESS OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,


Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of William G. C. Horn, for the enrollment of himself and his daughter, Margaret L. Horn, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Mollie Horn, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,



Acting Chairman.

D.C.8898-1904.

JP FHE LRS

DEPARTMENT OF THE INTERIOR,

I.T.D. 3040-1902
7162-1903.

WASHINGTON.

March 16, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 26, 1902, the Department affirmed your decision rejecting the application of William G. C. Horn, for the enrollment of himself and his minor child, Margaret L. Horn, as citizens by blood and for the enrollment of his wife, Mollie Horn, as a citizen by intermarriage of the Cherokee Nation.

September 21, 1903, you requested that the case be remanded for readjudication by you, in view of the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your recommendation the Indian Office concurred, in letter of October 7, 1903.

The Department does not consider that the facts in the case warrant its being remanded. The principal applicant was admitted to citizenship in the Cherokee Nation in 1883. He is identified upon the strip payment roll of 1894. He was born in the state of Texas and has never resided in the Cherokee Nation.

Referring to paragraph 9 of section 21 of the act of June

-2-

28, 1898 (30 Stat., 495), you rejected the application, holding that as the principal applicant possessed no right of citizenship himself, he was unable to confer any upon his daughter or upon his wife by intermarriage.

The decision of May 26, 1902, is adhered to.

Respectfully,

Signed Thos Ryan,

Acting Secretary.

Cher R 153

Cher R 153

a

R 53

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 23 1900



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 19, 1900.

In the matter of the application of George W. Warren for the enrollment of himself and two children as citizens of the Cherokee Nation; said Warren being sworn by Commissioner C. B. Breckinridge, testified as follows:

Give me your full name, please? George W. Warren.

How old are you? 48.

What is your place of office? Adair.

What district do you live in? Cooweescoowee.

Who is it you want to have put on the roll? Myself and two children.

Are you Cherokee by blood? No, sir, by adoption.

Have you your marriage license and certificate? Yes, sir.

Com'r Breckinridge:--The applicant presents a duly authenticated marriage license and certificate showing that on the second of December, 1890, he was married by the Reverend E. J. Crawford to Miss J. J. Clingen; he a citizen of the United States, and she a citizen of the Cherokee Nation. License issued by the Clerk of Caline District. These papers are filed herewith.

Have you lived in the Cherokee land ever since you married in 1890? Yes, sir.

Are you on the roll of 189? No, sir. I was married in September.

Are you on the roll of 1896? I do not think that I am on; I have re-married.

When did you marry? I re-married in 1892.

Are you married at present to your wife again? Yes, sir.

She is a white woman? Yes, sir.

She has no rights as a Cherokee citizen? No, sir.

Are the mother of these children? Yes, sir.

Give me now, please, the names of these children? Arthur Warren, 17 years old.

The next child? Allie W. Warren, 13 years old.

Both living now are they? Yes, sir.

1890 enrollment; page 30, #664, Bill Clinging Cooweescoowee.

What age was your wife when she died? About 34 I think.

1890 enrollment; age 27, 5082, Arthur Warren, Cooweescoowee.

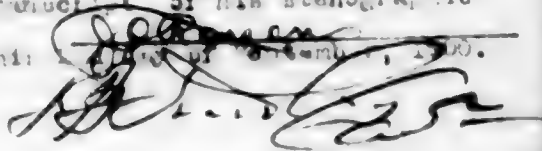
1890 enrollment; age 27, 5086, Mary D. Warren.

Com'r Breckinridge:

The applicant applies for the enrollment of himself and two children: He is shown to have been married in accordance with Cherokee law to his deceased wife in 1890, as shown by the license and certificate filed herewith. His wife is identified on the roll of 1890, under her maiden name. Since her death in 1899, the applicant has re-married. His present wife is a white woman and possesses no rights of citizenship. He is considered thereby to have forfeited his rights as a citizen, and to have no rights at this time, and therefore his application is rejected. The two children of his first wife are identified on the roll of 1890. They are living at this time, and these two children, Arthur and Allie W. Warren, will be listed now for enrollment as Cherokees by blood.

---END OF DEPOSITION---
J. B. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he has correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of September, 1900.



B

11/15

1900

COOWEESCOOWEE.
Department of Agriculture, Bureau of Indian Affairs.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 19 1900

1900.

Name

George H. Warren, Adair, Ia

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Cherokee

Date of marriage

1880

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Filed

SEP 19 1900

Certificate

Filed

SEP 19 1900

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

2059

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE LAND OFFICE,
WASHINGTON, D. C.
JUL 11 1880

Office of Dist. Clerk,

Saline Dist. U. S.

Know all whom it may concern, that Marriage License

is hereby granted to George H. Warren a white man and a citizen of
the U. S. to marry Miss B. J. Clinkan a Cherokee lady and a citizen
of the Cherokee Nation, the said George H. Warren having complied
with the laws of the Cherokee Nation regulating the intermarriage of
white men & foreigners & any Judge of Courts of this Nation or
Clerk of the Dist Court or Ordained Minister of the Gospel is hereby
authorized and required to perform the Marriage ceremony and return
with a certificate of service as the law directs.

Given from under my hand and seal of office this the 31st day

of August A. D. 1880.

(Signed) J. W. Ross, Clerk

Saline Dist,

C. H.

I, W. J. Garwood a regularly Ordained Minister of the Gumber-

Office of Dist Clerk,

Saline Dist W. H.

Know all whom it may concern, that Marriage License is hereby granted to George H. Warren a white man and a citizen of the U. S. to marry Miss B. J. Clingan a Cherokee Lady and a citizen of the Cherokee Nation, the said George H. Warren having complied with the laws of the Cherokee Nation regulating the Intermarriage of white men & Forigeners & any Judge of Courts of this Nation or Clerk of the Dist Court or Ordained Minister of the Gospel is hereby authorized and required to perform the Marriage ceremony and return with a certificated of served as the law directs.

Given from under my hand and seal of office this the 31st day of August A. D. 1880.

(Signed) J. M. Ross, Clerk

Saline Dist,

C. H.

I, H. J. Crawford a regularly Ordained Minister of the Cumberland Presbyterian Church did on the 1st day of Sept 1880 at the residence of J. B. Cobb, Cherokee N tion, unite the parties named in the foregoing Marriage License in Holy Marriage.

In testimony whereof I sign this 2nd day of Sept A.D. 1880

(Signed) H. J. Crawford.

(Signed)
Poca Cowan
J. B. Cobb
Belle Cobb.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 25, 1902.

I, the undersigned, as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application of George H. Warren for enrollment as a citizen of the Cherokee Nation.

Francis P. Batey, Jr.

11

R.M.

FILED
MAR 1 1902

[Handwritten signature]

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George H. Warren, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. P. 153, it is entitled George H. Warren, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 153.

(COPY)

R 183

Muskegee, Indian Territory, February 14, 1902.

Mr. George H. Warren,

Adair, Indian Territory.

Dear Sir:

On the 19th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 2nd day of December, 1880, to one B. J. Clingan, a citizen by blood of the Cherokee Nation. It further appears that she died in 1889; that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 26, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in

the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It further appears from the testimony that, subsequent to the death of your aforesaid wife, you married a white woman in 1892. The rights of citizenship which you acquired by your marriage on the 2nd day of December, 1880, to the aforesaid B. J. Clingan, were forfeited by your subsequent marriage in 1892 to a white woman.

The Cherokee law applicable in this case is as follows:

"Sec. 666: Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Noodles.

Acting Chairman.

Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1870

George H. Warren

P. 153.

Warren for Cherokee Nation

L.R.S.

18089.

F.

J.P.

Department of the Interior,

Washington,

March 26, 1902.

I. T. D. 1779-1902.

D. C. 5345-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of George H. Warren, R 153, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

CONFIDENTIAL

Refer in reply to the following:

11492-1902.
11739-1902.
11730-1902.
11731-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to office report of even date transmitting the record relative to 129 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 47 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adaline Abel	42	Alfred D. W. Stewart
43	Martha A. Hunter	45	Edward E. Kupe
47	Evie Hall	52	Annie Nelson
56	Burford L. Summerhill	58	David Coff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
110	Missouri Williams	115	Daniel A. LaBarge
129	George B. Tell	131	Lula Roberts
140	Robert Klaus, Sr.	150	James W. Skinner

Number	Name	Number	Name.
153	George W. Warren	166	William R. Stuart
176	George W. Gibbnay	240	Frank Corban
249	John Hunt	251	John F. Rice
254	Enos W. Parsons	262	Richard E. Carrington
264	Lambert E. Kinhead	270	Ben Hall
272	Elizabeth Hall	293	William E. Wallace, Sr.
324	Silas T. Busby	357	Canada Youngblood
366	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
455	John W. Stevenson	456	Frank W. Garrison
467	Samuel W. Carpenter	475	Lillie Wood
483	Ed Gwartney	522	William J. Howling
544	Samuel M. Sweeton	539	Mary S. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

-3-

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith,

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequently to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Bonner, }

Acting Commissioner.

C. A. W. (L.)

18000.

7.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D. 1752-1902.

March 26, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-R 59.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1863; that she married a noncitizen of the Cherokee Nation in 1864, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 26, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see " Laws of the Cherokee Nation " published by the act of the National Council in 1892), provides:

" Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

-2-

The Acting Commissioner of Indian Affairs March 21, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.
F.L.C.

1 inclosure.

Cherokee-B-155.

Muskogee, Indian Territory, April 10, 1902.

Mr. George H. Warren,

Adair, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED BY THE FOLLOWING

Cherokee-R-155.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George H. Warren, Cherokee No. R. 153, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March 1902.

Very respectfully,



Commissioner in Charge.

Cherokee R-153

Muskegee, Indian Territory, July 28, 1902.

George H. Warren,

Adair, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on September 2, 1880, to Miss B. J. Clingan.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-112.


Cher R 154

Cher R 154

A

R-154

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 23 1900


Acting Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 20, 1900.

In the matter of the application of Lawrence E. Horn for the enrollment of himself as a citizen of the Cherokee Nation, said Horn being sworn by Commissioner C. J. Breckinridge, testified as follows:

Q Give me your full name, please? A Lawrence E. Horn.
Q How old are you? A I am 29.
Q What is your home office? A Magnolia, Texas.
Q In what district do you live? A I do not know.
Q Do you live in Texas? A Yes, sir.
Q Who is it you want to have put on the roll? A Myself.
Q Are you on the roll of the Cherokee Nation? A I was not of 1894.
Q Are you on the 1894 roll? A I do not know.
Q Where were you born? A Texas.
Q Have you ever lived in the Cherokee Nation? A No, sir.
Q Do not live there at this time? A No, sir.
Q Have you ever applied to the Cherokee Nation for admission for Cherokee citizenship? A I was admitted here in 1894.

Your reckinridge: The applicant presents an official copy of an Act of the Cherokee Commission admitting certain persons to citizenship, on January 14, 1894, and among them is the name of Lawrence E. Horn. (That is your name is it? A Yes, sir.) This is accepted as satisfactory evidence of the fact stated.

Q You state you were born in the State of Texas and lived there all your life and live there at this time? A Yes, sir.

Under the law on cases before me, this Commission is a matter what excuse you have not; you have been a free man so long in your life and you could have done as if you were not.

Q You were kept there by force all your life? A I do not want to hear my excuse? My mother was a widow and did not want to leave the State, and so she had to take care of her.

You never lived in the Cherokee Nation, and the law says that no person shall be enrolled who has not heretofore lived in the Nation to which he claims citizenship. I have no way to enroll you.

The applicant is shown by the certificate cited to have been admitted to Cherokee citizenship in 1894. He is 29 years of age. He states that he is a native of the State of Texas, and that he has lived in the State of Texas all his life, and that he lives there at this time; therefore, under the provision of the 1894 Bill, cited in the testimony, his application for enrollment is rejected.

---000-0000---

J. O. Reason, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and recording in this case, and that the foregoing is a true and complete copy of the stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 20th day of September, 1900.

C. J. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

ARTHUR CHAPMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 10 1900.

29 Name Lawrence R. Harris Rayville Texas.

District

Year 6

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

7154

卷之四

(30 SEP 1971) 10:00 AM
 IN THE ...
 FO ...
 ...

 \wedge ;

10: 25
E. 1902

NR. (1944)

DEPARTMENT OF THE INTERIOR,
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of
LAWRENCE R. HORN, for the enrollment of
himself as a citizen of the Cherokee Nation:

D E C I S I O N .

On the 20th day of September, 1900, Lawrence R. Horn appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen of the Cherokee Nation.

It appears from the testimony in this case that the applicant was born in the State of Texas; and that he has never resided nor lived in the Cherokee Nation.

It is further shown that the aforesaid applicant was admitted to citizenship on the 12th day of January, 1883 by an act of the Cherokee Commission; and that he bases his application for enrollment upon the foregoing fact.


The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1896, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Never having resided in the Cherokee Nation, and failing to take advantage of his admission to citizenship, the law governing in this case is found in the Act of Congress approved June 23, 1898, (30 Stats., 495), section twenty one, paragraph nine, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....."

WHEREFORE, it is the opinion of the Commission that the application for the enrollment of Lawrence R. Horn as a citizen of the Cherokee Nation should be denied; and it is so ordered.



C. R. Bucknidge.

Commissioners.

Dated at Muskogee, Indian Territory,
this 26 day of April, 1902.

COMMISSION 10

1000 1000

2 1000

COPY.

Cherokee R-134

Muskogee, Indian Territory, April 26, 1902.

Mr. Lawrence R. Horn,
Rheas Mill, Texas,

Sir:

Enclosed herewith please find copy of the Commission's decision rendered April 26, 1902, in the matter of the application for the enrollment of yourself as a citizen of the Cherokee Nation.

The commission has on this day forwarded a copy of its decision together with a copy of the record of the proceedings had in the matter of your application, to the Secretary of the Interior for his consideration and final decision.

The Secretary's final action will be duly communicated to you as soon as the same is made known to this Commission.

Very respectfully,

W. D. Needles.
Commissioner in Charge.

Encl. B-44.
Register.

COMMISSIONERS
HENRY L. DAWL
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

CherokeeB-154

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of Lawrence Horn for the enrollment of himself as a citizen of the Cherokee Nation.

Very respectfully,


Commissioner in Charge.

Encl. B-16.

7 ENCL. NO. 2-114

CONFIDENTIALITY OFFICE

RECEIVED

ACTING CHAIRMAN

CHUCKLE HILL

The enactment of the new law...

the Commission and the...

born in 1911...

in the...

...

...

...

The Honorable

...

CHUCKLE HILL

CCIA

COPY.

Cherokee R-154

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Lawrence R. Horn as a citizen of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of the said Lawrence R. Horn as a citizen of the Cherokee Nation.

Very respectfully,

T. E. Needles
Commissioner in Charge.

1 Encl. No. R-154.

(Copy)

Refer in reply
to the following:
Land.
25,920-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,
Washington, May 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a report made on April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Lawrence R. Horn for enrollment as a Cherokee citizen, by blood.

The commission on April 26, 1902, rejected the application because the applicant had not prior to June 28, 1898, removed to and in good faith settled in the Cherokee Nation.

The record shows that the applicant is 29 years of age, and that he has been all his life a resident of the State of Texas.

It is respectfully recommended, therefore, that the commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(W.C.V.)P.

D.C.8977-1902.

L.R.S.

31343

F.

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.3065-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application for enrollment of Lawrence R. Horn as a citizen of the Cherokee Nation - R 154 - and recommended that your decision dated April 26, 1902, be approved.

You found that applicant was admitted to citizenship January 12, 1883, by the Cherokee Commission, but has never resided or lived in the Cherokee Nation, and you rejected the application under paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495).

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

EMD

1 inclosure.

Cherokee R-154.

COPY.

Muskogee, Indian Territory, July 8, 1902.

Lawrence R. Horn,
Ray's Mill, Texas.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

ED.

Acting Chairman

Register.

Cherokee R-154.

Muskogee, Indian Territory, July 8, 1902.

Mr. C. H. Castle,
Attorney at law,
Wagoner, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Lawrence R. Horn, for the enrollment of himself as a citizen by blood of the Cherokee Nation, in which case you appear of record as attorney for the applicant, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

S. HEDGECOCK
Acting Chairman.

Register.

829

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-154.

ALLISON I. AVIESWORTH,
SECRETARY

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Lawrence R. Horn, for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 26th day of May, 1902.

Respectfully,

Acting Chairman.

Refer in reply to
the following:
Land

31,343-1903.
31,643-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Copy.

Washington, May 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 18, 1903, I.T.D.3065-1902, 4715-1903, there is enclosed herewith a report relative to the application of Lawrence R. Horn for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-Col.

D.C.16719-1903.

DEPARTMENT OF THE INTERIOR.

J.P.
FHE.

Washington.

I.T.D. 4700-1903.
4715- "

June 1, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 15, 1903, the Department received a letter from Lawrence R. Horn, which has been considered in the nature of a motion for review of the decision of the Department of May 26, 1902, rejecting his application for enrollment as a citizen of the Cherokee Nation.

It appears that the applicant, who was 29 years of age at the time of the examination September 20, 1900, was born in Texas and has resided there always; that he was readmitted to citizenship in the Cherokee Nation in 1883.

There is nothing to show that he ever had any "effects" in the nation. See Cherokee law of December 4, 1894, your 8th Annual Report, page 147.

The application is hereby denied, and you will so advise the party. A copy of the Acting Commissioner of Indian Affairs' letter of May 27, 1903, resubmitting the record, is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee R. 154

Tahlequah, Indian Territory, July 22, 1903.

Lawrence R. Horn,

Rhea Mills, Texas.

Dear Sir:

You are hereby notified that your motion to reopen your application for enrollment as a citizen of the Cherokee Nation was denied by the Secretary of the Interior on June 1, 1903.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R. 154

Tahlequah, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that the motion made by Lawrence R. Horn to reopen his application for enrollment as a citizen by blood of the Cherokee Nation, Cherokee R. 154, was denied by the Secretary of the Interior on June 1, 1903.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MH

D.C.7800-1904. DEPARTMENT OF THE INTERIOR,

JP
FHE

ITD 3065-1902
7162-1903

WASHINGTON.

IRS

March 5, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 26, 1902, the Department affirmed your decision rejecting the application for the enrollment of Lawrence R. Horn as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that this case, among others, be remanded to you for readjudication under the ruling of the Department in the Yeargain case.

The Department does not consider, in view of the opinion of the Assistant Attorney General of December 29, 1903, in the case of Allie Williams that the facts warrant the remanding of this case. It appears that at the time the testimony was taken in the case, September 20, 1900, the applicant was 29 years of age; that he was admitted to citizenship in the Cherokee Nation on January 12, 1883; that he was born in the State of Texas and had never resided in the Cherokee Nation or Indian Territory.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

Cher R 155

Cher R 155

U

R155

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 22 1880



ACTING CHAIRMAN

1. The first of these is the fact that the Government has not yet received the necessary information from the United States to enable it to make a proper assessment of the situation in the United States.

[illegible]

COMMUNICATIONS SECTION
U.S. DEPARTMENT OF JUSTICE

RECEIVED OCT 12 1964

From: [illegible]
To: [illegible]
Subject: [illegible]
[illegible text follows, mostly obscured by noise and bleed-through]

[illegible text]

[Signature]

[illegible text]

[Signature]

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 50 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date

SEP 20 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

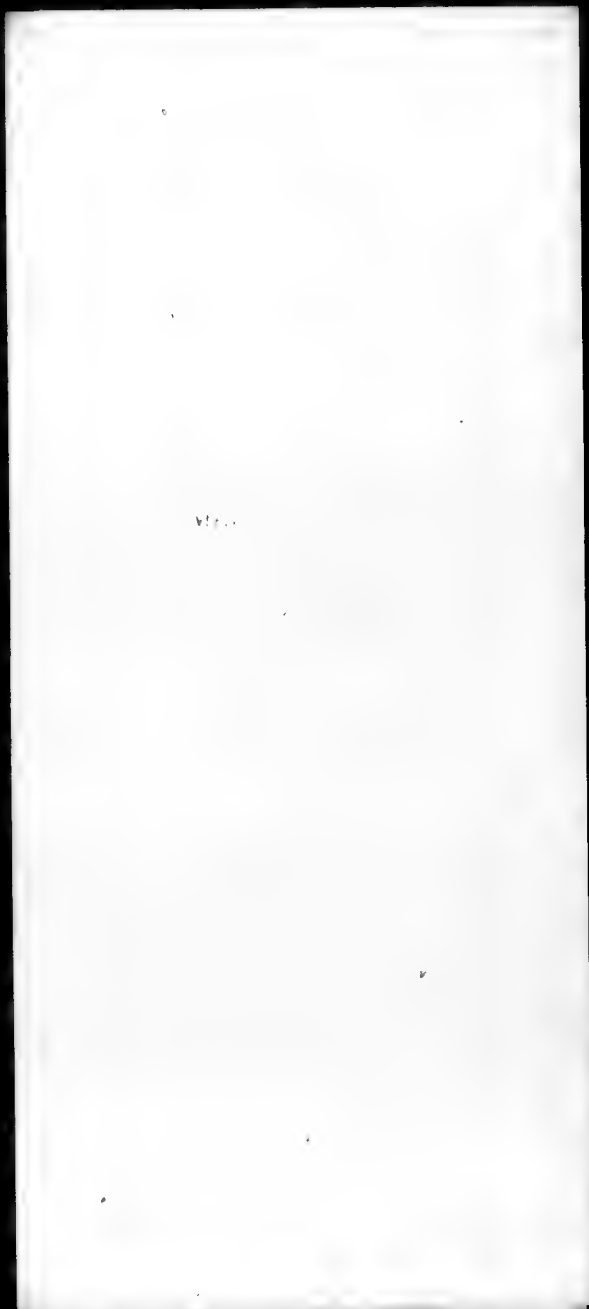
Year

Page

No.

Age

R155



COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Vauda McCullough, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 155, it is entitled Vauda McCullough, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *E. D. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 155.

(COPY)

R 155.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Vanda McCullough,

Needmore, Indian Territory.

Madam:

On the 20th day of September, 1900, your husband, George E. McCullough, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 9th day of January, 1898, in accordance with the laws of the Cherokee Nation. It also appears that you were married on the 12th day of January, 1898, according to the laws of the United States, to your said husband, George E. McCullough, a citizen by blood of the Cherokee Nation; that you are not identified upon the Cherokee census Roll of 1896, and that you base your application for enrollment upon the foregoing marriages.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the

date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) *T. D. Needles.*

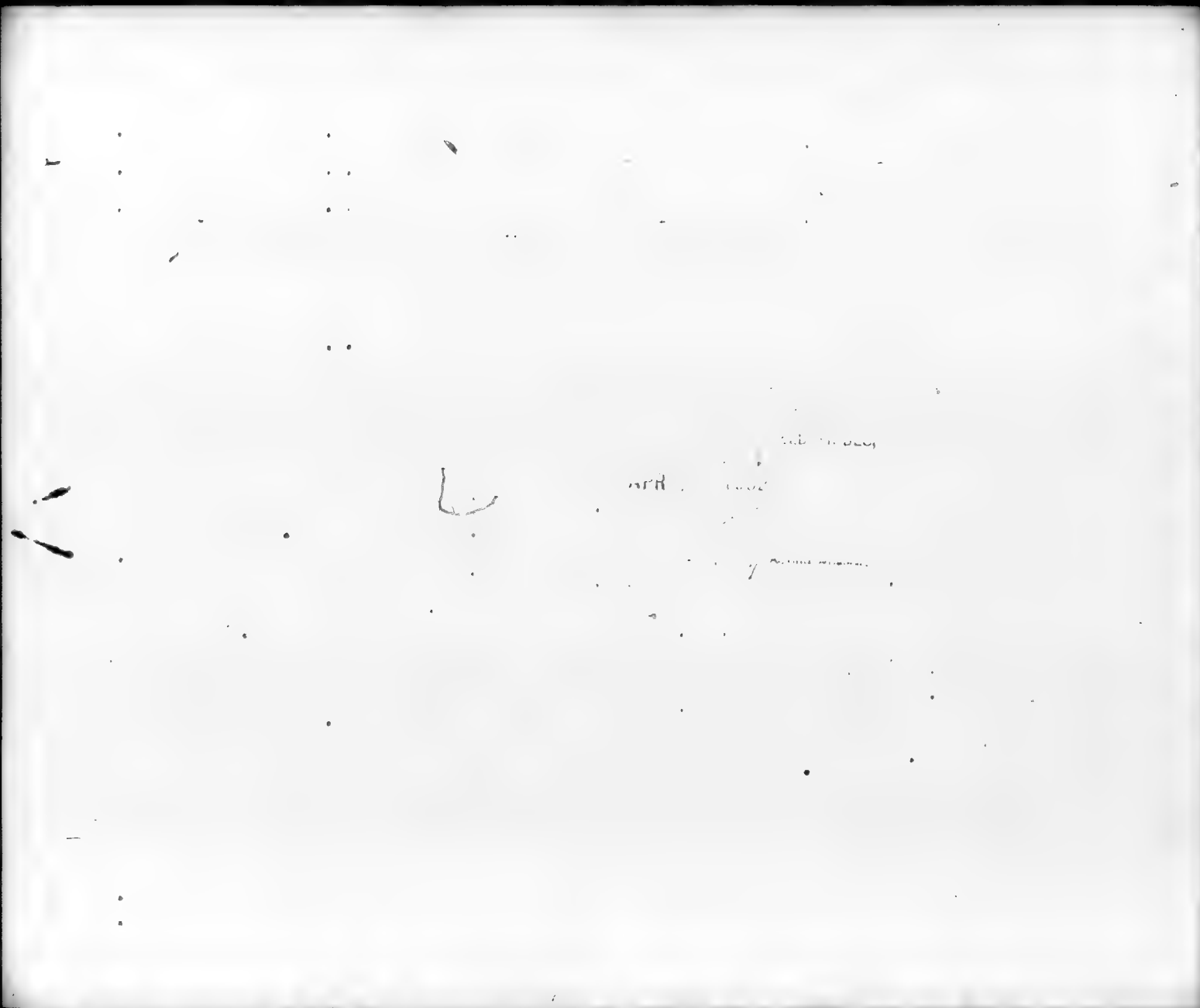
By (Signed) *Tammy Bixby.*

Acting Chairman.

Commissioner in Charge.

Enclosure.

Register.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2053-1902.
D. C. 6268-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation you are advised that the application of Vauda McCullough, R155, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.I.

18

18

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Y

APR 11 1962

ALFRED H. HARRIS

Cherokee R-155.

Muskogee, Indian Territory, April 17, 1902.

Vanda McCullough,

Needmore, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February, 18, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY
THOMAS B. NEEDLE,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-155.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Vanda McGullough, Cherokee No. R 155, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 156

Cher R 156

6
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 24 1900


S. T. CHASE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 20, 1900.

In the matter of the application of Mittie A. Bazzell for enrollment of herself, husband and one child as citizens of the Cherokee Nation, said Bazzell being sworn by Commissioner Preckinridge, testified as follows:

- Q What is your name? A Mittie A. Bazzell.
Q How old are you? A 24.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the roll? A Myself, husband and one child.
Q Apply for yourself as a Cherokee by blood? A Yes.
Q Is your husband a Cherokee? A No sir, white man.
Q How long have you lived in the Cherokee nation? A All my life.
Q How long have you lived in Delaware district? A All my life.
Q What district did you live in in '80? A near Fairland.
Q What is your father's name? A George W. Gibney.
Q Cherokee or white man? A White man.
Q Dead or alive? A Alive.
Q Your mother's name? A Josephine.
Q Cherokee or white woman? A Cherokee.
Q Dead or alive? A Dead.
Q How long since she died? A I guess about 18 years to the best of my knowledge.
Q What was your name before you were a Bazzell? A Gibney.
Q When did you marry? A 6th of February, 1896.
Q What is your husband's name? A Charles Bazzell.
Q How old is he? A 25.
Q And married you in '96? A Yes.
Q Have you certificate of marriage? A Yes.
Q The applicant presents Cherokee marriage license issued by the Clerk of Delaware district authorizing her marriage with her husband as stated by her on February 4, 1896, and the certificate shows that the marriage was consummated by the Judge of the Northern judicial district of the Cherokee nation on the same date as the license. This is filed herewith.
Q Give me the name of your child, please? A Clarence, 3 years old.
Applicant on '80 roll, page 261, number 1126, as Nettie Gibney.
Applicant on '96 roll, page 443, number 403;
Applicant's husband on roll of '96, page 505, number 20 as Charley.
Q Where is your husband now? A I don't know.
Q He is not living with you? A Yes.
Q Living with you and not living with you? A Yes.
Q Is he on what you call a "scout"? A I don't know, I guess that is what you would call it.

The applicant applies for the enrollment of herself, husband and one child. She is identified on the rolls of '80 and '96 as a native Cherokee. She has lived in the Cherokee Nation all her life and she will be listed for enrollment now as a Cherokee citizen by blood. Her child is too young to be upon any of the rolls. The mother is shown to have been married in '96 by the marriage license and certificate filed herewith. When she supplies the Commission with a proper certificate of the birth of this child, it also will be listed for enrollment as a Cherokee citizen by blood.

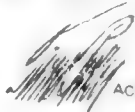
Her husband is at present away from home and it is evident he is evading the officers of the law. If he had any rights the application for him would not be permitted since he is evading the law, but as he is shown to have been married in '96, too late under Cherokee law to acquire Cherokee rights, his application is rejected.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed & sworn to before me this 24th Sept. 1900. *[Signature]* Com'r.

B 19156
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1900



ACTING CHAIRMAN

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 20 1900

1900.

Name *Charles Bagzell, Vinita, D. C.* Date *1896*

District *DELAWARE* Year *1896* Page *565* No. *30*

Citizen by blood *no* Mother's citizenship *yes*

Intermarried citizen *yes*

Married under what law *yes* Date of marriage *1896*

License *yes* Certificate *yes*

Wife's name *yes*

District *DELAWARE* Year *1896* Page *565* No. *30*

Citizen by blood *yes* Mother's citizenship *yes*

Intermarried citizen *yes*

Married under what law *yes* Date of marriage *1896*

License *Filed* SEP 20 1900 Certificate *Filed* SEP 20 1900

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1896 Roll as Charley Bagzell

72156

(318)

9.

R-156

1 - 1 - 1
MAR 1 1962

 ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Charles Bazzell, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and fifty-six, it is entitled Charles Bazzell, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *F. D. Woodlee.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE NO. R. 186

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Charles Bassell,

Vinita, I. T.

Dear Sir :

On the 20th day of September 0
your wife, Mittie A. Bassell,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe pro-susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the **6th** day of **February, 1896** ~~xxx~~, to one **Mittie A. Giboney,**

your said wife

a citizen by blood of the Cherokee Nation, ~~the Cherokee Nation~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ that you are

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *

In view of the law and testimony in this case the application for the enrollment of

yourself

yourselfas an intermarried citizen of the Cherokee Nation has
this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to, . . . **you**
same.

as soon as the commission is informed of the

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed)

T. B. Needles,

A [redacted] German

Inclosure.

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 1 1891

Muskogee Indian Territory.

*Received of the Commission to the Five Civilized Tribes one copy of the Commission's letter of
notification of its decision rendered FEB 1 1891 in the matter of the application
of Charles Bazzell for enrollment as a citizen of the
Cherokee Nation*

Cherokee No. P. 156.

W. H. Hurling
Attorney for Cherokee Nation

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2054-1902.
D. C. 6023-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Charles Bazzell, R 156, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.H.

APR

10 2

APR 10 1968

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.

April 3, 1902.

D. C. 5951-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-156

Muskogee, Indian Territory, April 17, 1902.

Mr. Charles Bazzell,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWKS.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-156.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Charles Bassell, Cherokee No. R 156, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.


Very respectfully,

Acting Chairman.

Cher R 157

Cher R 157

Q-151
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 2 1900


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 20, 1900.

IN RE MATTER OF THE APPLICATION OF NEWTON HALL FOR THE ENROLLMENT
HIMSELF, WIFE AND CHILD AS CHEROKEE CITIZENS.

The said Newton Hall, being sworn and examined by Commissioner
T. J. Needles, testified as follows:

Q What is your name? A Newton Hall.
Q What is your age? A Twenty-five.
Q What is your postoffice address? A Vera.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes
sir.
Q For whom do you apply? A For myself, my wife and child.
Q What is your wife's name? A Annie Beatrice Hall.
Q When were you married? A I was married in 1897.
Q Have you certificate of marriage? A Yes, sir.

THE COMMISSIONER: The applicant presents a certificate of
marriage certifying that he was married to one Annie B. Milford, a
non citizen, on the 13th day of September, 1897.

Q What is the name of your child? A Maggie Hall.

THE COMMISSIONER: The applicant presents satisfactory proof
of birth as to Maggie Hall, his child, which was born on the 10th
day of December, 1898.

Q Does your name appear upon any of the rolls of the Cherokee
Nation? A No, sir; I think not.

THE COMMISSIONER: I find, upon examining the records of the
Dawes Commission, that in case No. 5316, Court case No. 259, the
name of Newton Hall. Are you the identical Newton Hall mentioned
here? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I have been
here twelve years.

Q You have lived here continuously for the last twelve years?
A Yes, sir.

THE COMMISSIONER: The name of the said applicant, Newton Hall,
being found in the judgment admitting him, among others, to citizen-
ship, is more fully described in the testimony; and satisfactory
proof being made as to his residence, and also as to the birth of
his child Maggie, the said Newton Hall and his child Maggie will
be duly listed for enrollment as Cherokee citizens by blood.

He having been married to his wife in the year 1897, too late
under the laws of the Cherokee Nation for intermarriage and persons to
receive any benefits or rights, or become intermarried citizens
of the Cherokee Nation, her application for enrollment will be
rejected.

-----o-----
The undersigned, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and other proceedings in this application for enrollment,
and that the foregoing is a correct and complete transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of October 1900.

T. J. Needles

Commissioner.

B DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 26 1900

[Signature]
ACTING CHAIRMAN

6 R157

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Annie B. Hall, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and fifty-seven, it is entitled Annie P. Hall, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-157.

share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed; the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 17, 1898. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokee by blood, Delaware or Shawnee by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and Chapter 1, Article 16, sections 519 to sec. 529, inclusive, laws 1898, to 1904, of the Compiled Laws of the Cherokee Nation, is hereby amended to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delaware, or Shawnee by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the citation in this case that one was married to the 1st day of October, 1897, to one James Hall, a citizen of the Cherokee Nation; that he was not identified on the Cherokee Census Roll of 1897, and that you have your application for enrollment upon the foregoing marriage. Said mar-

riage, however, was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be soon shown to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,

Acting Chairman.

Respectfully,

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAV
D

273 inclosures.

1893.
I. T. D. 270-1902.
D. C. 2403.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Annie B. Hall, case R. 157, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 335.

Respectfully,

Thos. Ryan.
Acting Secretary.

COMMISSIONERS.
HENRY L. DAVIS.
TAMM BIRDY.
THOMAS B. HIGGLES.
C. R. BARNETT.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHERO. R 157.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1902.

Annie B. Hall,

Vera, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLE,
C. R. BRICKNIDGEE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN WRITING TO THE FOLLOWING:

Cherokee R-157.

Muskogee, Indian Territory, March, 15, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Annie B. Hall, Cherokee No. R.157, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Bricknidge.

Commissioner in Charge.

Cher R 158

Cher R 158

(27)
Department of the Interior
Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.*

CHEROKEE

NATHANIEL R. MARTIN.

Dec. 20, 1901. This case cancelled
and all papers transferred to Cherokee
Jacket No. D 1261, by order of the
Commission.

R 158

Cher R 159

Cher R 159

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 21, 1900.

IN THE MATTER OF THE APPLICATION OF JOHN W. HORN FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said John W. Horn, being sworn and examined by Commissioner T. C. Needles, testified as follows:

Q What is your name? A John W. Horn.

Q What is your age? A Fifty-five.

Q What is your post office address? A Chapel Hill, Texas.

Q What district do you live in? Or Do you live in Texas?

A Yes, sir.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q By blood or intermarriage? A By blood.

Q Does your name appear upon the authenticated roll of 1880?

A It does not, but I have papers here.

THE COMMISSIONER: The applicant presents a certificate of admission, issued from the Executive Department of the Cherokee Nation under date of April 10, 1890, signed by C. J. Harris, assistant executive secretary, under the great seal of the Cherokee Nation, certifying that, among others, one John W. Horn was admitted to citizenship on the 12th day of January, 1883.

Q Are you the identical John W. Horn mentioned in this certificate? A I am.

Q For whom do you apply? A For myself and wife, Mrs. Lula Horn and my three children.

Q What is your wife's name? A Lula.

Lula Z. Horn.

Q What is her age? A Thirty-four.

Q When were you married? A July 15th, 1882.

Q Was she a white person? A Yes, sir.

Q Have you any certificate of marriage? A Not with me but I filed the certificate with your commission two or three years ago.

Q Is there anybody present who knows you are married?

A My brother is present.

Q What does he know? A He knows that we have been living together as man and wife.

R. I. HORN, BEING SWORN AND EXAMINED BY THE COMMISSIONER, TESTIFIED AS FOLLOWS:

Q What is your name? A R. I. Horn.

Q What is your post office? A Ray Mills, Texas.

Q What is your age? A Twenty-nine.

Q Do you know John W. Horn? A Yes, sir; he is my brother.

Q Do you know his wife Lula Z? A Yes, sir.

Q Do you know whether they are married or not? A I met them about eighteen years ago and she was introduced to me as his wife.

Q Have they ~~been~~ been living together since that time as man and wife? A Yes, sir.

a R159

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 8 1900

[Handwritten signature]
SPECIAL AGENT IN CHARGE

[Handwritten notes and a vertical line]

Q Recognized in the community where they lived and everywhere as man and wife? A Yes, sir.
Witness excused.
-----Q-----

(Examination of applicant continued.)

Q You say you filed with the Dawes Commission a certificate of marriage? A Yes, sir.

Q What are the names of your children? A Pearl M.

Q How old is she? A Fifteen.

Q What is the next one? A Ruby L.

Q How old? A Seven years old.

Q The next one? A Mary W., five years old.

Q These children are alive and living with you? A Yes, sir.

Q Does your name appear upon any of the rolls of the Cherokee Nation? A I think it does on the 1894 roll.

1894 Roll, page 206, No. 1964, Jno. W. Horn, Cooweescoowee District.

1894 Roll, page 206, No. 1966, Ruby Horn, Cooweescoowee District.

1894 Roll, page 206, No. 1965, Pearl Horn, Cooweescoowee District.

Q The youngest child does not appear on any roll, having been born since the same was compiled. A Yes, sir.

BY MR. HUTCHINGS: (Counsel for Cherokee Nation)

Q What was the date of your marriage to your wife? A 1882, July 16th.

Q Where were you residing when you were admitted to citizenship

A I was residing in Texas.

Q Have you resided there continuously ever since? A Yes, sir.

Q You have never resided in the Cherokee Nation at all, have you? A No, sir. Will you let me give my reason?

Q I just wanted the facts. You may explain afterwards.

You were not born in the Cherokee Nation? A No, sir; I was born in Texas.

Q And you have lived in that state from the time of your birth until the present time? A Yes, sir.

Q That is all. Now, give your explanation.

A My explanation is this: At the time my citizenship was recognized I was a minister in the Methodist Church, and during the year 1882, during the latter part of that year just before the conference met, I made an effort to secure an appointment within the bounds of the Cherokee Nation. My presiding elder and bishop decided my services were more needed in Texas. I have filled appointments in churches at Galveston and Houston, and they have kept me there. I am now making efforts for employment on this conference. I have been illing and desirous to come all the while, but I have been subject to the appointment of the bishop, and if you want information about that you can get it.

Q Have you any property in the Territory? A Yes, sir.

Q Improved property? A Well, one piece is improved, and the other is not. The two lots were improved.

THE COMMISSIONER: The name of John W. Horn appears upon the roll of 1894, as well as the names of his children, except his youngest child which was born since said roll was compiled. He presents a certificate of admission more particularly described in the testimony, certifying that he was admitted to Cherokee citizenship

RECEIVED
DIVISION OF THE LAND COMMISSION
SEP 11 1900

On the 12th day of January, 1893. He avers that he was married to his wife Lula T., a white person, in the year 1888, which date was prior to the date of his admission; consequently, the application for the enrollment of his wife Lula T., will be rejected. Final decision as to the enrollment of the said John W. Horn, and the said children will be suspended, and their names will be placed upon a doubtful card; the testimony showing he is a resident of the State of Texas, and has been since he was admitted.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Wm. J. McShane

Subscribed and sworn to before me this 3rd day of October A. D. 1900.

C. M. Sullivan

Commissioner.

13

R157

DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 21 1900


T. N. CHAPMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 21 1900 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Lula G. Horn

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

31

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula Z. Horn as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on September 21, 1900, John W. Horn appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of his wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said Lula Z. Horn, a white woman, was lawfully married on July 16, 1882 to John W. Horn, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on January 12, 1883, as shown by an examination of the records of the Cherokee Nation in possession of the Commission.

The evidence further shows that the said John W. Horn has continuously resided in the state of Texas since his said marriage, and it is considered that the residence of the said Lula Z. Horn has been that of her husband.

Section twenty-one of the Act of Congress, approved June 29, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Lula Z. Horn as a citizen by intermarriage of the Cherokee Nation should be denied under the provision of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Acting Chairman.

(SIGNED)

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JAN 15 1903

COMMISSIONERS
HENRY L. DAWES,
TANS SNEY,
THOMAS D. NEEDLES,
C. R. BRUNNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-159

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, rejecting the application of John W. Horn for the enrollment of his wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

Enc. M-2109

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-159

ALLNESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1903.

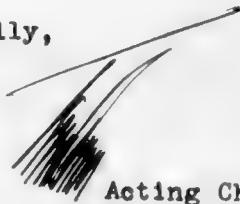
John W. Horn,
Chapel Hill, Texas.

Dear Sir:-

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated January 15, 1903, rejecting your said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Acting Chairman.

Enc. M-109

Register.

COPY.

Cherokee R-159

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith enclosed the record of proceedings had in the matter of the application of John W. Horn for the enrollment of his wife, Lula Z. Horn, as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 15, 1903, rejecting said application.

Respectfully,

Tame Bixby.

Acting Chairman.

Enc. M-3109

Through the

Commissioner of Indian Affairs.

COPY.

Refer in reply
to the following:
Land
6300-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
Feby. 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 23, 1903, forwarding, for the Department's consideration, the record relative to the application of John W. Horn, for the enrollment of his wife, Lula Z. Horn, as an intermarried citizen of the Cherokee Nation.

January 15, 1903, the Commission held that the applicant was not entitled to enrollment as an intermarried citizen.

The record in this case shows that Lula Z. Horn, a white woman, was lawfully married July 16, 1882, to John W. Horn, who was admitted to citizenship in the Cherokee Nation by the proper authorities January 12, 1883.

The record also shows that John W. Horn and his wife have resided continuously in the State of Texas.

The Curtis Act declares that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

-2-

Inasmuch as it appears that the applicants are residents of the State of Texas, and have never acquired a residence in the Cherokee Nation, the office believes that the decision of the Commission is correct, and recommends its approval.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

GAW
0

D.C. 5256-1903.

J.P.

DEPARTMENT OF THE INTERIOR.

FHE

WASHINGTON.

I.T.D. 1484-1903.

February 19, 1903.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Lula Z. Horn, for enrollment as a citizen by intermarriage of the Cherokee Nation, received with your letter of January 23, 1903, and the Acting Commissioner of Indian Affairs' letter of February 12, 1903, a copy of which is inclosed.

It appears that the applicant, a white woman, was lawfully married in 1882, to John W. Horn, who was duly admitted to citizenship in the Cherokee Nation on January 12, 1883; that said John W. Horn has continuously resided since said marriage in the State of Texas.

You stated in your decision of January 13, 1903, rejecting the application, that it is considered that the residence of the applicant has been with her husband. You rejected the application under that portion of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that

-2-

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The Acting Commissioner recommended that your decision be concurred in.

December 26, 1902, the Department affirmed your decision rejecting the application for enrollment of John W. Horn.

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee R-159

Muskogee, Indian Territory, March 9, 1903.

Lula Z. Horn,

Chapel Hill, Texas.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on February 19, 1903.

Respectfully,

Chairman.

TAMM DUNN
THOMAS D. DUNN
C. R. DUNN
W. F. DUNN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee R-159

Muskogee, Indian Territory, March 9, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 15, 1903, rejecting the application of Lula Z. Horn for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, on February 19, 1903.

Respectfully,

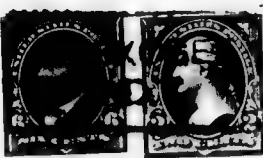


Chairman.

Present address
unknown

47

873



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

REGISTERED
JAN 2 1903
MUSKOGEE, IND. TER.

John W. Horn

~~_____~~

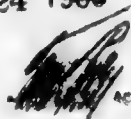
Post

REGISTERED
MAY 1903
MUSKOGEE, IND. 188

Cher R 160

Cher R 160

A R160
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 24 1900


ACTING CHAIRMAN.

[Large handwritten signature or initials, possibly "H. H. H."]

[Small handwritten signature or initials]

REPORT OF AS TO WIFE, THORNTON AND ALLEN.

Department of the Interior,
Commission to the National Academy of Sciences,
Wash., D.C., September 11, 1955.

• Charles E. Smith, director of the National Bureau of Investigation; and
• J. Edgar Hoover, director of the Federal Bureau of Investigation.

Q. I have heard that you are married. All right.
Q. I am married. I have a wife. Yes.
Q. How long have you been married? A. About 10 years.
Q. How many children do you have? A. Two.
Q. Are they both born here, or did they come from another place?
A. They were born here, in the city of Chicago.
Q. How long have you lived in Chicago? A. I have lived here for about
eight years.
Q. How long have you been married? A. About 10 years, and I have two children.
Q. What is the name of your wife? A. Mrs. Mary Allen.
Q. How long have you been married? A. About 10 years.
Q. How long have you lived in Chicago? A. About 8 years.

to

Yousware 31d

POOR ORIGINAL -
BEST AVAILABLE COPY

COMMISSIONER OF THE CIVILIZED TRIBES
WASHINGTON, D. C.

SEP 24 1900

Thomas P. Allen et al 2

For the reason: The name of Thomas P. Allen appears upon the census roll of 1896; he presents a satisfactory certificate of admission, more fully described in the testimony, - to citizenship, certifying that he was admitted in the year 1893, and declaring that he has been a continuous resident of the United States since that date; he presents a certificate of marriage to his wife George A., a white person, certifying that he was married to her in the year 1879; the name also appears upon the census roll of 1896; the names of his children, Pearl, Norma and Elma, also appear upon the census roll of 1896; the testimony submitted in the said George A. Allen, his wife, was admitted in the year 1879, before he was admitted to citizenship, is a declaration for his enrollment will be refused, - and will be rejected. The said Thomas P. Allen and his children, Pearl, Norma and Elma will be only listed for enrollment by this Commission as persons of citizenship by blood.

M. D. Green, being first duly sworn, states that he is stenographer to the Commission to the Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes taken.

M. D. Green

Subscribed and sworn to before me this 23rd day of Sept. 1900.

C. A. Mearns

POOR ORIGINAL -
BEST AVAILABLE COPY

NOV 5 1902

ACTING CHAIRMAN

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of George A. Allen
for the enrollment of herself as a citizen by intermarriage of the
Cherokee Nation.

Supplemental to R-160.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

GEORGE A. ALLEN, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name, please? A. George Ann Allen.
Q. What is your age at this time? A. 38.
Q. What is your post office? A. Vinita.
Q. Are you the same George A. Allen who made application
to the Commission for enrollment as an intermarried citizen on
September 21st, 1900? A. Yes, sir.
Q. What is your husband's name? A. Tom Allen.
Q. Is he living? A. Yes, sir.
Q. Is he a citizen by blood? A. Yes, sir.
Q. When were you and he married? A. 1879.
Q. Where were you married? A. Arkansas.
Q. How long after you were married before you came to the
Cherokee Nation? A. It was '83 when we came here.
Q. Did you live in Arkansas from the time you were married until
1883? A. Yes, sir.
Q. Was he admitted after you came here to citizenship?
A. Yes, sir.
Q. Have you and your husband Tom Allen lived together as husband
and wife all the time since your marriage up to the present time?
A. Yes, sir.
Q. Were you ever married prior to your marriage to him?
A. No, sir.
Q. Was he ever married prior to his marriage to you?
A. No, sir.
Q. Have you and he ever been separated since your marriage?
A. No, sir.
Q. You have never married any other man but Tom Allen?
A. No, sir.
Q. Were you living together as husband and wife on the first
of September, 1902? A. Yes, sir.
Q. Have you lived in the Cherokee Nation all the time since 1882
up to the present time? A. Yes, sir.
Q. Never lived out of the nation? A. No, sir.
Q. Has your husband lived here with you during that time?
A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of November, 1902.

B. A. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George A. Allen as a citizen by intermarriage of the Cherokee Nation.

- D E C I S I O N -

The record in this case shows that on September 21, 1902, Thomas P. Allen appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of his wife, George A. Allen, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the said George A. Allen was lawfully married on December 23, 1878 to Thomas P. Allen, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on September 10, 1883, as shown by an examination of the records of the Cherokee Nation in possession of the Commission. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said George A. Allen is identified on the Cherokee census roll of 1896.

The evidence further shows that the said George A. Allen has lived with her said husband in the Cherokee Nation since his admission to citizenship in 1883, continuously up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that George A. Allen should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Thomas P. Allen
Acting Chairman.

George A. Allen
Commissioner.

George A. Allen
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-160.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 15, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Thomas P. Allen for the enrollment of his wife, George A. Allen, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-204.

CHEROKEE

K 160

(107)

Department of the Interior.

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of*

CHEROKEE

GEORGE A. ALLEN.

K 160

Cher R 161

Cher R 161

Department of the Interior,
Commission to the Five Civilized Tribes,
Winit, I.T., September 25, 1900.

In the case of the application of James Elliott, for the
renewal of his license to sell and deliver to the Five Civilized Tribes
of intoxicating liquors, the following facts were ascertained:

Q. What is your name? A. James Elliott.
Q. How old are you? A. 45 years old.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

Q. How long have you been in the Territory? A. 10 years, sir.

B

111

SEP 19 1900

SEP 19 1900

SEP 19 1900

SEP 19 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date April 23 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Eva Elliott

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage Aug 1898

License _____ Certificate Richard

Names of Children:

Dist. 17 Year _____ Page _____ No. two Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Rich

Q

R 161

RECEIVED
MAR 1 1962

[Handwritten signature]

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Eva Elliott, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 161, it is entitled Eva Elliott, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 161.

(COPY)

R 161

Muskogee, Indian Territory, February 14, 1902.

Mrs. Eva Elliott,

Adair, Indian Territory.

Madam:

On the 22nd day of September, 1900, James Elliott, your husband, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by inter-marriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 5th day of April, 1899, to the said James Elliott, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court at Vinita, Indian Territory; that you are not identified on the Cherokee census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal

authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee Nation Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delaware or Shawnee by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belong-

ing in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

By (Signed) T. B. Needles

~~Assistant Commissioner~~

Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of Eva Elliott for enrollment as citizen of the
Cherokee Nation.

Attorney for Cherokee Nation

Cherokee No R161.

APR 1962

D.C. No. 5959

T.P.
F.

DEPARTMENT OF THE INTERIOR

I.T.D. 1848-1902

L.R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Eva Elliott, R 161, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty,

Respectfully,

Thos. Ryan,

Acting Secretary,

D.L.

APR

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1835, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-161

Muskogee, Indian Territory, April 17, 1902.

Eva Elliott,

Adair, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of yourself for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-161.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Eva Elliott, Cherokee No. R 161, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 162

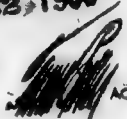
Cher R 162

a

R162

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22, 1900



ACTING CHAIRMAN

COMMISSION TO THE FIVE CIVILIZED TRIBES
VINITA, I.T., SEPTEMBER 22, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 22, 1900.

In answer to the application of Daniel W. Weir for the enrollment of himself as a Cherokee by blood and his wife as a Cherokee by intermarriage: Being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Daniel W. Weir.
Q What is your age? A 25.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q A Cherokee? A Yes, sir.
Q How much of blood do you claim? A About 1/16.
Q How do you apply? A Myself and wife.
Q What is her name? A Nellie.
Q What is your father's name? A Web Weir.
Q Are you living? A Yes, sir.
Q What is your other's name? A Sabra Weir.
Q Are you living? A Yes, sir.
Q When were you married? A June 24, 1900.
Q Do you have any certificate of marriage? A No, sir, it is in Muche.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
(On 1880 roll, page 337, No. 2980, Daniel Webster Weir, Delaware district; on 1893 roll, page 553, No. 3485, Daniel W. Weir, Delaware district.)

The name of Daniel W. Weir appears on the 1880 roll of 1880, as well as the census roll of 1893, and is fully identified as origin, to his name and number of said roll, and having made satisfactory proof as to his residence, he will be listed for a roll out by this Commission as a Cherokee citizen. He claims that he was married to her on the 24th of June, 1900. According to the laws of the Cherokee Nation, marriage after the 13th of December, 1895, between citizens with non-citizens, confers no rights upon the said intermarriage persons, consequently the application for the enrollment of his wife, Nellie, will be rejected.

James C. Jones, being duly sworn, says that in so reporting to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and that only in the above case, and the record is a true and complete and correct of his ethnographic not.

James C. Jones

Sworn to and subscribed before me this 22nd of September, 1900.

[Signature]
Commissioner.

B

MISSING
SEE 100 000

CHEROKEES BY BLOOD AND ADOPTION.

SEP 22 1900

Date Viola J 1900.

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Mellie New

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
<u>Mellie</u>	<u>1887</u>			
<u>Kee</u>	<u>1887</u>			

1000

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nellie Weir for enrollment
as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on September 22, 1900, Daniel W. Weir appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of his wife Nellie Weir, as a citizen by intermarriage of the Cherokee Nation. The application included himself, but as he is differently classified, he is not embraced in this decision.

The evidence further shows that Nellie Weir was married on the 24th day of June, 1900, to Daniel W. Weir, a citizen by blood of the Cherokee Nation. Daniel W. Weir has lived in the Cherokee Nation all his life. The residence of his wife is considered to have been in the Cherokee Nation from the date of Marriage, hereinbefore shown, up to and including the date of this application.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;—
An Act of the Cherokee National Council approved December 16, 1895, provides:

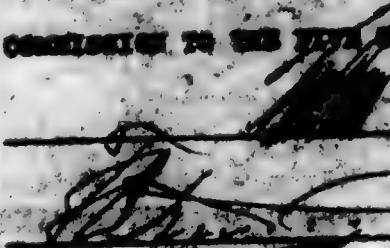
"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."


It is, therefore, the opinion of this Commission that the application for the enrollment of Nellie Weir as a citizen by

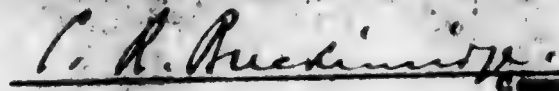
March 2 1902

Intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSIONER TO THE NIA RESERVING THEM.



Acting Indian Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 29 1902

Muskogee, Indian Territory, January 28, 1908.

Mr. Daniel W. Weir,

Vinita, Indian Territory.

Dear Sir:

Upon an examination of the testimony had in the matter of the application of your wife to be enrolled as a citizen of the Cherokee Nation it is found that you have not supplied the Commission with satisfactory proof as to your marriage to her.

You are requested to forward the Commission immediately either your original marriage license and certificate or a certified copy thereof; also to inform the Commission whether your wife is a Cherokee by blood or a white woman.

Please give this matter your prompt attention, as your case cannot be proceeded with until the information requested has been received.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee No. R. 160.

Register.

322

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R 162.

ELISON I. AVIESWORTH,
SECRETARY

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Daniel W. Weir for the enrollment of his wife, Nellie Weir, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Commissioner in Charge.

Enc. C. No. 159.

Cherokee R 162.

COPY.

Muskogee, Indian Territory, July 29, 1902.

Daniel W. Weir,
Vinita, Indian Territory.

Sir:

There is herewith transmitted a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Kellie Weir, as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

15200
Commissioner in Charge.

Enc. C. No. 158.

Register.

COPY.

Cherokee R 162.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Daniel W. Weir for the enrollment of his wife, Nellie Weir, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 160.

Refer in reply to
the following:

Land:
47,122-1902.

(Copy)

Department of the Interior,

Office of Indian Affairs,

Washington, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 29, 1902, forwarding for the Department's consideration the record relative to the application of Daniel Weir for the enrollment of his wife, Nellie Weir, as an intermarried citizen of the Cherokee Nation.

July 29, 1902, the commission rejected the application.

The record in this case shows that on June 24, 1902, Daniel Weir, a citizen of the Cherokee Nation whose name appears on the 1880 roll, was married to his wife, Nellie Weir. The marriage was subsequent to the act of the national council of the Cherokee Nation approved December 16, 1895, which declares that non-citizens who marry citizens of the Cherokee Nation subsequent to the date of the approval of said act shall not be entitled to any of the rights of citizenship in said nation.

As this marriage was subsequent to the date of the approval of said act the office believes that the decision of the commission is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. Tonner,

(G. A. W.) P.

Acting Commissioner.

1162
D. C. No. 14516-1902.

L. R. S.

51767

EAF.

ITD. 4967-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With ~~your~~ letter of July 29, 1902, you transmitted the record and your decision of that date, in matter of application for enrollment of Nellie Weir as an intermarried Cherokee citizen.

The evidence shows that on June 24, 1900, this applicant was married to Daniel W. Weir, a citizen by blood of the Cherokee Nation. You denied the application because said marriage was subsequent to the passage of the act of the Cherokee National Council of December 16, 1895, which is quoted in your decision.

The Acting Commissioner of Indian Affairs forwarded the papers August 14, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 162.

Muskogee, Indian Territory, September 17, 1902.

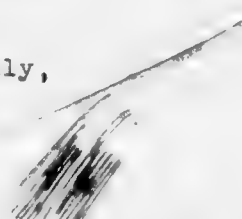
W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Daniel W. Weir for the enrollment of his wife, Nellie Weir, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,



Acting Chairman.

Cherokee R 162.

Muskogee, Indian Territory, September 17, 1902.

Daniel W. Weir,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of your wife, Nellie Weir, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Acting Chairman.

Cher R 163

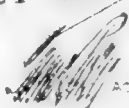
Cher R 163

A
-7

24/3

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900


ACTING CHIEF

1860000000

F

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
KINITA, I.T., SEPTEMBER 22, 1900.

In the matter of the application of William Harlin White for the enrollment of his wife and children as citizens of the Cherokee Nation; said White being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William Harlin White.
Q What is your age, Mr. White? A 24.
Q What is your post office address? A Fairland.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A 32d.
Q For whom do you apply for enrollment? A Myself and family, wife and one child.
Q What is your father's name? A J. B.
Q Living? A No, sir.
Q Your mother's name? A Mary A., dead.
Q What is the name of your wife? A Lula Bell.
Q Cherokee by blood? A No, sir.
Q What was her name when you married her? A Lula B. Burnett.
Q When did you marry her? A In 1898.
Q Have you a certificate of marriage? A Yes, sir.

Applicant presents a certificate of Admission to Cherokee citizenship, issued from the office of the Commission on Citizenship, on the 30th day of June, 1888, signed by J. T. Adair, Chairman, of the Commission on citizenship, attested by Connell Rogers, Clerk of the Committee, approved and endorsed by J. B. Hayes, Principal Chief of the Cherokee Nation, and Henry Eiffert, Asst. Executive Secretary of the Cherokee Nation, under the great seal of the Cherokee Nation, certifying that on the 26th day of September, 1887, among others, one William H. White was admitted to Cherokee citizenship; are you the identical William H. White mentioned in this certificate? A Yes, sir.

- Q How long have you been a resident of the Cherokee Nation? A Ever since I was born.
Q You never were admitted to citizenship until the 26th of September? A No, sir.
Q You have been living here continuously since that time? A Yes, sir.

- Q What is the name of your children? A David.
Q How old is David? A One year old.

Applicant presents satisfactory proof of birth as to his child David, who was born since the roll of 1896 was compiled.

1896 enrollment, page 151, "3349, William H. White, Delaware.

Com'r Needles:--The name of William H. White appears upon the census roll of 1896, and he also presents satisfactory certificate of admission more particularly described in the testimony. He avers that he was married to Lula B. Burnett, a white person, in the year 1898, but presents no certificate of marriage. Applicant applies for the enrollment of said Lula B., his wife, having avowed that he was married in the year 1898, and the Cherokee Nation provides that white persons marrying citizens after the year 1895, the application for the enrollment of his wife, Lula B., is rejected and she will not be enrolled. He presents satisfactory proof of birth as to his child David, one year of age. The said David also will be listed for enrollment as a Cherokee citizen by blood, when the applicant presents certificate of marriage to this Commission. The said William H. White being duly identified upon the roll of 1896, he will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

COMMISSIONER
216 54
111 B
William Harlan White--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceeding in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 24th day of September, 1900.

[Signature]

Commissioner.

10
J. 3
COMMISSION DE L'ÉVANGÉLISATION
P. L. 10 10
SEP 10 1900

COMMISSION DE L'ÉVANGÉLISATION
P. L. 10 10
SEP 10 1900

[Handwritten signature]
P. L. 10 10

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 22 1900 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Lula B. White

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

1 wife of William F. White

10 R 163

RECEIVED
JAN 1 1901
U.S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 13 1901

[Handwritten signature]

ATTEST
JAN 1 1901

MEMORANDUM FOR THE COMMISSION TO THE FIVE CIVILIZED TRIBES.
SUBJECT: [Illegible]
[Illegible text follows, mostly obscured by noise and bleed-through.]

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Department of Justice at Washington, D.C., this 13th day of December, 1901.

RECEIVED
JAN 1 1901
U.S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION

To be filed with Cherokee case No. 2.123.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 12, 1901.

In the matter of the application of Lula B. White for enrollment as a citizen by intermarriage of the Cherokee Nation.

BY THE COMMISSION:

There is filed in the case of the applicant's husband, William H. White, Cherokee No. 1234, a certified copy of the marriage license issued by James A. Winston, Clerk of the United States Court, by J. O. Anderson, Deputy Clerk, on the 28th day of August, 1898, authorizing the marriage of William H. White and Miss Lula Burnett. The certificate shows that they were married in accordance with said license on the 28th day of August, 1898, by W. M. Wilson, Mayor of the Incorporated Town of Fairland, Indian Territory.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he took in full the foregoing statement, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 12th day of December, 1901.

[Signature]

Commissioner.

1P

R. 162

RECEIVED
MAR 1 1902

[Signature]
ACTING CHAIRMAN

COPY.

Maskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Lula B. White, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and sixty-three, it is entitled Lula B. White, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Woodles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

C O P Y

Cherokee R-163.

Muskogee, Indian Territory,

February 14, 1902.

Mrs. Lula B. White,

Fairland, Indian Territory.

Madam:-

On the 22nd day of September, 1900, your husband, William Harlin White, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 29th day of August, 1898, to your husband, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have

been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the Same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; --"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political

rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (~~W. B. Rixby~~),

~~Assistant Commissioner~~.

Register.

Enc. C R-163.

(SIGNED) *T. B. Needles*.

Commissioner in Charge.

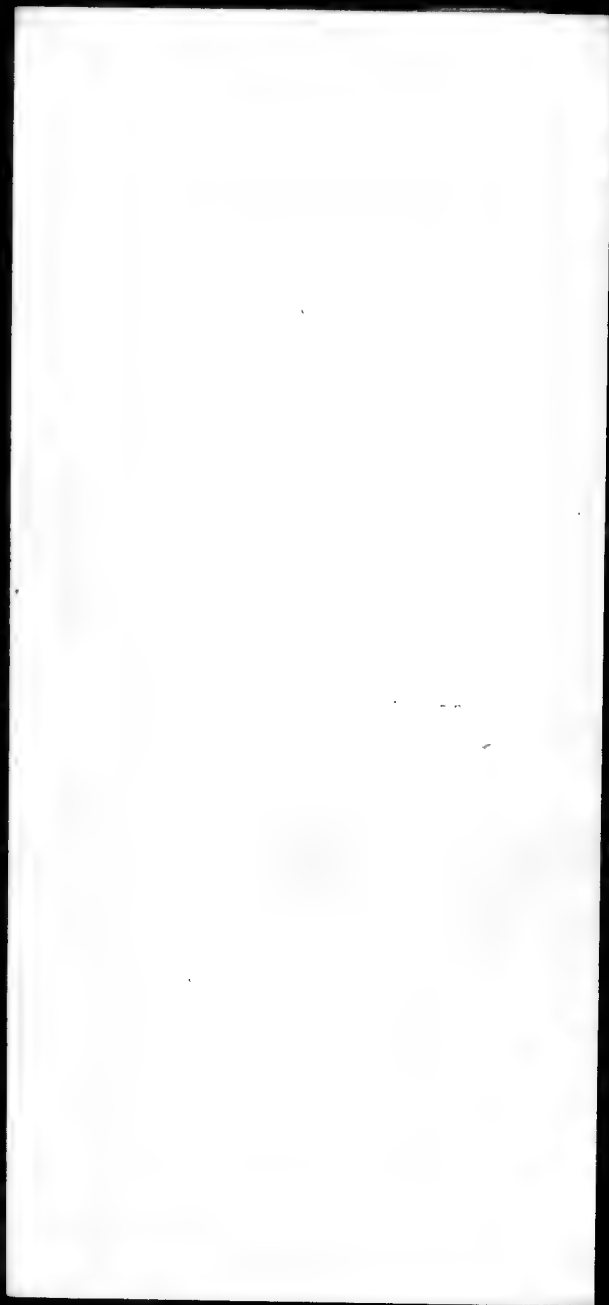
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Marked as Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of the decision rendered. FEB 14 1902, in the matter of the application
of *Sula B White* for enrollment as citizen of the
Cherokee Nation.

Cherokee Nation R 163

W. W. Wood
Attorney for Cherokee Nation



D.C. No. 5957

T. P.
F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 1849-1902.

L.R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Lula B. White, R 163, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.L.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 3, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1967

156-157 and 158-159.

Cherokee R-163

Muskogee, Indian Territory, April 17, 1902.

Lula B. White,

Fairland, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of yourself for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRNEY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING
Cherokee-B-163.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Lulu B. White, Cherokee No. R 163, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 164

A

Cher R 164

a

R164

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., September 22nd 1900.

In the matter of the application of Laura Jacke for enrollment as a citizen of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Laura Jacke.
Q What is your age? A Sixty two.
Q What is your Postoffice? A White Oak.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the rolls? A Myself.
Q Are you a full blood Shawnee? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Since 1870.
Q What is your father's name? A I do not know.
Q Do you know what your mother's name was? A No sir.
Q What was your name when you came here in 1870? A Jacke.
Q Always Jacke? A Yes sir.
Q Did you draw Cherokee strip money in 1898? A No sir; I never drew any money.
Q Did you live among those absentee Shawnees in Oklahoma?
A Yes sir; a while.
Q When did you come back from there? A Been here four years.

The applicant is not identified on any roll: She states that she never paid any attention to the rolls: She claims to be a full blood Shawnee, and apparently is: Speaks no English: She states that she was among some "absentee Shawnees": It does not appear that they have any status as Cherokee citizens, and as no record can be found of her, her application at this time will be placed on a "Rejected Card": She claims to have been admitted with the Shawnees in 1870: To keep track of her case, she will be given the benefit of the doubt, and placed on a "Rejected Card".

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 24th day of September, 1900.


COMMISSIONER.

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

R164

FILED

SEP 22 1900

[Handwritten signature]

WYING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date. SEP 22 1900

1900.

Name _____

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage.....

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. Year Page No. Age.....

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. Year Page No. Age

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. Year Page No. Age

Subscribed and sworn to before me this 2nd day of July, 1903.

Notary Public.

above case.

Subscribed and sworn to before me this 14th day of Nov. 1903.

Notary Public.
P. G. Renter.

Subscribed and sworn to before me this 14th day of Nov. 1903.

thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of Nov. 1903.

the record in the following cases: B-104, B-105 and 1284.
COMMISSIONER: This testimony will be filed with and made a part of

there.

Q Well did he ever see Melvin Stand there in Oklahoma? A Never went
Knew him not, spent four years ago.

Q She didn't come back here until about four years ago? A He said he
said he was there in '82 in Oklahoma and saw her there.

Q Well was it? A He said he don't remember about what time, but he

with the Shawnees in '81 before she went to Oklahoma, spent how many

times? A Well he thinks that's about the time.

Q Well does he know of his own knowledge that she came back at that

from Oklahoma? A About '81 I think.

Q Does he think it was in the fall of the year 1898 that she came back

To be filed with R-164,

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 15, 1902.

In the matter of the application of Martha Stand for the enrollment of herself and child as citizens of the Cherokee Nation.

Supplemental to 7524.

Applicants represented by S. S. Clover, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

THOMAS DOUGHERTY, being first duly sworn, testified as follows:

- COMMISSION: What is your name? A Thomas Dougherty.
- Q How old are you, Mr. Dougherty? A 52 years old.
- Q What is your postoffice address? A Vinita, I.T.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Are you a Shawnee? A Cherokee-Shawnee, yes, sir.
- Q Are you acquainted with Martha Stand? A Yes, sir.
- Q What was the name of her mother? A The name of her mother?
- Q Yes, sir. A Let me see, Davit I think.
- Q Is her mother living at this time? A No.
- Q Laura Jacko isn't living, or Laura Davit? A No, Sir.
- Q When did she die? A I don't remember, it's been about a year or such a matter.
- Q Now this Martha Stand, is she a Cherokee-Shawnee? A Yes, sir.
- Q How long have you known her? A Oh I knowd her quite a while, ever since she was a girl.
- Q Where was she living when you first became acquainted with her?
- A Why she was living in Kansas.
- Q When did she come to the Cherokee Nation? A Same time the Shawnees did.
- Q In '71? A '70 or '71 some time, some came in '70 and some in '71.
- Q Where has she been living since that time? A Why she has lived on Caney up here a while.
- Q In the Cherokee Nation? A In the Cherokee Nation, Cooweescoowee District, and then she lived on White Oak until she died.
- Q Is that also in the Cherokee Nation? A Yes, sir, also in the Cherokee Nation.
- Q Have you known her continuously since the time she came here with the Shawnees? A Yes, sir, I think I have.
- Q Where has she been living during all that time? A Well that's about all I know.
- Q Has she always to the best of your knowledge lived in the Cherokee Nation since that time? A Yes, sir, I think so.
- Q Is she living now? A No, sir, she died, I don't remember what date, but it's been-
- Q She died since this application was made? A Yes, sir, I think so.
- Q Is she a full-blood Shawnee? A Well called her full-blood, yes sir.
- Q Did this Martha Stand ever take an allotment with the absentee Shawnees in Kansas, that is did she ever go back there and take an allotment after she came to the Cherokee Nation? A No, sir.
- Q Do you know of your own knowledge whether or not she has been recognized as a citizen since she came here with the Shawnees? A I think so.
- MR. CLOVER: Who was she first married to? A Was married to Charles Blackfeather- Oh yes, now this James Hunter.
- Q Well who is James Hunter? A He is a Shawnee.
- Q Was he a registered Shawnee? A Yes, sir.
- Q Did she have any children by him? A Had one.
- Q Is that child alive? A Yes, sir.
- Q Who did she next marry? A Charles Blackfeather.
- Q Charles Blackfeather; was he a Cherokee-Shawnee, registered Cherokee-Shawnee? A Yes, sir.

Q Did she have any children by him? A Had one that I know of.
 Q What is the name of that child? A Susie Blackfeather.
 Q That child alive or dead? A Died.
 Q Charles Blackfeather, did he die, her husband, or not? A Yes, sir.
 Q And who did she next marry after that? A Married Reuben White.
 Q Was Reuben White a Cherokee-Shawnee? A Yes, sir.
 Q A registered Cherokee-Shawnee, I mean. A Yes, sir.
 Q Were they divorced, separated? A Yes, sir.
 Q And then she married who next? A Married Tom Stand.
 Q Is he a Shawnee or a registered Shawnee or what tribe does he belong to? A Belongs to the Eastern Tribe of Shawnees.
 Q He isn't a member of the Cherokee Nation then. A No.
 Q Makes no claim I mean to that? A None only for the child.
 MR. HASTINGS: How old were you when you come to the Cherokee Nation?
 A Well I don't exactly know, I come in '71.
 Q Well I want to know how old you are now? A I am 52.
 Q Where did you first know this woman? A I knowd her-
 Q Now I want to explain to you that I don't care about your hearing of her, but I want to know from your own personal knowledge? A Why-
 Q When did you first know her? A I guess it was here in the Cherokee Nation.
 Q You didn't know her then before you came here? A No.
 Q You got acquainted with her after you come to the Cherokee Nation?
 A Yes, sir.
 Q Now how long after you come here? A Oh it wasn't long.
 Q Well your best judgment? A About a year or two.
 Q Where was she then living? A Why she was on- let's see, think on Caney.
 Q Well now is Caney out near Bartlesville? A Caney, in the river I mean.
 Q Is that out near Bartlesville? A It is near Talala.
 Q Well it's west of Talala, ain't it? A Yes, sir, west of Talala.
 Q Well Bartlesville is right on it, isn't it? A Well Bartlesville is further west.
 Q Well now where were you living at that time, how far from Vinita?
 A I lived nine miles north.
 Q And that was about 75 miles from where this woman lived? A No, it wasn't that.
 Q How far? A Somthing about 35 miles.
 Q With whom was she living at that time? A Why now I can correct that account.
 Q Just correct it any way you want to? A Why when I first knew her she lived on the Neosho River.
 Q Where was that? A That was a little southeast of Chetopa down the river.
 Q Well on which side of the Neosho River? A This side of the river.
 Q With whom was she living then? A Why she was living there with Sallie, I think it is Sallie Prophet.
 Q Sallie Prophet? A Yes, sir.
 Q In the Cherokee Nation? A In the Cherokee Nation.
 Q Was she single at that time? A No, I think not, she was living with this Hunter, they were living there.
 Q Well she was old enough at that time to be married, was she? A Oh yes, sir.
 Q Did she have any children when you knew her? A Not when I first knew her.
 Q She didn't? A No.
 Q How long did she live there on the Neosho River? A I think she lived there till about '74.
 Q And then where did she go? A I believe she went across the river from there to the Shawnee Reservation.
 Q Over there in the Quapaw Agency? A Yes, sir.
 Q And how long did she live over there? A Well that I don't know.
 Q Well she was living there in '80 wasn't she? A I couldn't say, she might have been.
 Q Well she lived there quite a number of years, didn't she? A I don't know how long she did live there.

Q Well you knew she did live there? A Well that's what I said.
Q Well now who did she go over there with? A Must have been with her mother.
Q Well what was her mother's name? A Laura Davit, the way I knowd it.
Q Well was she separated from her first husband Hunter at that time?
A Yes, sir.
Q Where did Hunter go? A He lived there, he died right there on the Neesho River.
Q Well did she marry anyone else over there in that reservation?
A Not that I know of.
Q Well when of your own personal knowledge did you ever after that time see her in the Cherokee Nation? A Yes, sir, I have.
Q Well when I say? A Oh.
Q And about that I want you to be as positive as you can. A About '84.
Q Where? A There in Vinita.
Q Was she there on a visit? A No, they had some business there.
Q Well they lived though over in the reservation? A No, they lived over on Caney.
Q They had moved to Caney then had they? A Yes, sir, had when I knew them.
Q What were they doing there in '84? A Why they were paying some of those Black Box Shawnees some money.
Q Was she known as one of those Black Box Shawnees? A She heired some of the proceeds of the land and also her husband.
Q That in the spring or the fall of that year? A I think it was along, must have been along about this time of year.
Q Are you certain it was '84? A Well that's my gift of it.
Q Well do you feel positive about it? A I think so.
Q Did you ever see her living over on Caney? A Yes, sir.
Q Was you ever at her house? A Yes, sir.
Q How far did she live from Talala? A She lived about six miles west.
Q Six miles west; now when were you over there and saw her living there?
A I have been there several times.
Q When was the first time? A First time was along about, well along about that time, along about '84 or '85.
Q Where did she marry Blackfeather? A Married him there.
A On Caney? A Yes, sir.
Q What was her third husband's name? A Third husband was White.
Q Where did she marry him? A On White Oak.
Q Where did she marry Stand? A Married Stand there on White Oak.
Q You say he was an Eastern Shawnee? A A Cherokee-Shawnee.
Q When did he come to the Cherokee Nation? A I don't know that, couldn't say, but after he married her.
Q Well did she and this last husband after their marriage continue to reside in the Cherokee Nation? A Yes, sir.
Q Live there all the time I mean? A After-
Q After she married her last husband? A Yes, sir, I think so.
Q Well do you know it? A Well she might have lived over there, he belonged over there; they might have lived there awhile now, that's what I'm trying to say.
Q Now Tom, I want to tell you right now there's a spirit of not direct positiveness about what you are testifying; I want to know the absolute truth in this case, and I want to know it all, and I want to know where she and this man lived; tell it all? A I know what you want; I don't know whether they lived over there after they married, but all I know they lived here.
Q Well what makes you think they lived over there? A Well I thought it might be that way because he belonged over there; that they might have lived there awhile.
Q Where did he belong? A Eastern Shawnees.
Q Over where she first lived? A No, not where she first lived.
Q Well she had lived over there among those people, over in the Quapaw Agency, was it there or in Oklahoma? A Over there.
Q Over where? A Quapaw.
Q That's where he belonged, A Yes, sir.

Q Well now are you sure that she married him in the Cherokee Nation over there? A Well I'm not positive about that.

Q You are not positive about that, you know that she's dead? A A year or more.

Q MR. CLOVER: I wish to ask you too, do you know whether her mother was a registered Shawnee or not and under what name she was registered? A I think she was.

Q Well state what you know of your own knowledge of it, whether her mother was a registered Shawnee or not? A Why I said I think she was.

MR. HASTINGS: I suggest that the records will show that.

MR. CLOVER: Let him state.

MR. HASTINGS: Well I ask the Commission to refer to Alexander Drum and find her name there.

COMMISSION: On the register of the Shawnees?

MR. HASTINGS: Yes, sir.

COMMISSION: Was this woman ever known as Martha Drum? A No.

Q Do you know whether or not she was known as Martha Drum? A No.

Q What was her name when she came here with the Shawnees? A I think she went under the name of Prophet on the register.

Q What was her husband's name? A Hunter after she came to the country.

Q Well I mean after she came here with the Shawnees, did she have a husband at that time? A No, sir.

Q Who did she marry, who had she been married to? A Nobody that I know of.

Q Was that her maiden name, Prophet? A I think so.

Q I asked just now what the name of this Martha Stand was, do you know what her maiden name was? A Well that's all I know, that Prophet.

Q Do you know what her father's name was? A Yes, sir.

Q What was his name? A I think it was Prophet.

Q Are you sure that it was Prophet? Did you know him? A I knew the man

Q ~~XXXXXX~~ Well what name did he go by? A He went by the name of Batiestm but he was really a Prophet? His name ought to have been Prophet, his name was Batiest.

Q Well what name was she going by when she came here with the Shawnees? Did you know them at that time? A Yes, sir.

Q What name did she have? A Prophet.

Q Called her Martha Prophet? A I guess so.

MR. HASTINGS: Now didn't you tell me just now on cross-examination that you never did know this woman until she was living with this man Hunter up there in Neosho? A I mean in the Cherokee Nation.

Q Well that's what you said; you said you never knew her until after she came to the Cherokee Nation, it was while she was living on the Neosho, and that she was living with a man by the name of Hunter and a woman by the name of Prophet's house? A Yes, sir.

Q You said just now ~~that~~ on cross-examination that you never knew her before, didn't you? A I said that, yes, sir, of course I meant to say I didn't know her.

Q Well didn't you say just now that her mother's name was this Laura Davit over here? A Yes, sir.

Q Well how would this woman's name be Prophet when her mother's name was Laura Davit? A Well just because she was raised by this Prophet.

Q Now who told you that? A Why I knew the facts.

Q Well how do you know it? A Because I know that she was, she was with her, and came with them people right here.

Q How do you know that? A Because I went back and forth to the Neosho River.

Q Well you never saw her then until after she married, and that was some time after you had met her, I mean after she had married Hunter?

A No, I knowd her before that.

Q When? A I knowd her before that, come to think over the matter, I know that I knowd her before that time.

Q Well now this Sarah Prophet wasn't her mother? A No.

Q And she was then a minor child, wasn't she? A Yes, sir, Sallie Prophet was her aunt.

Q Well is she alive? A No, sir, she's dead.

Q And is any members of that family alive? A Yes, sir, there is. Susie Bigknife, that's the daughter of this Sallie.

COMMISSION: What name was this woman going by about six years ago?

- A Six years ago?
- Q Yes. What was her last husband's name? A Stand.
- Q When did she marry him? A Well I don't know when they were married.
- Q How long has he been dead, Stand? A He ain't dead; he's alive.
- Q He's living is he? A Yes, sir.
- Q Well did she live with him continuously up until the time she died?
- A Yes, sir.
- Q Is he a Cherokee? A No, he's an Eastern Shawnee.
- Q Not a citizen of the Cherokee Nation? A No, sir.
- Q Where does he live? A He lived there on the place where she died, on White Oak in Cooweescoowee District.
- Q Has he an allotment with the absentee Shawnees? A No, he's an Eastern Shawnee.
- Q An Eastern Shawnee? A Yes, sir, in the Quapaw country.
- Q Has this child Edward always made its home in the Cherokee nation?
- A I think so.
- Q Well how do you know whether it has? A To the best of my knowledge they have.
- Q Do you know whether or not she has ever received an allotment with the Eastern Shawnees? A I don't know.
- Q Did his father ever take an allotment with them? A I think his father did.
- Q That's in the Quapaw Agency? A Yes, sir.
- Q His father ever live on that allotment? A I think so.
- Q How long ago was that that he was living on it? A I couldn't say.
- Q Well isn't he living on it now? A No, he's living about White Oak; I saw him day before yesterday up there at White Oak.
- Q When did she marry Reuben White, how long ago? A I don't know exactly to a day.
- Q Well about how long ago was that? A Well along about the time this little- before this Wallace roll was made; I don't know when that was exactly.
- Q Well about how many years ago was it? Ten or fifteen or how many?
- A Well I couldn't say how many years.
- Q Haven't you any idea as to the number of years? A I don't know, couldn't say.

JOHNSON BLACKFEATHER, being first duly sworn, testified as follows through sworn interpreter, Thomas Daugherty:

MR. CLOVER: What's your name? A Blackfeather, Johnson Blackfeather.

- Q What's your age? A About 64 years old.
- Q What is your postoffice address? A Vinita.
- Q What positions have you held in the Shawnee Tribe of Indians prior to your time of coming to the Indian Territory and Cherokee Nation? A Why he said he has been a councilman before he came to the Cherokee Nation.
- Q You were a Shawnee Indian by blood and birth? A Yes, sir.
- Q What positions have you held in the Cherokee Nation in the Shawnee organization since you came here? A He said he has been a chief of the Shawnees.
- Q Were you or were you not plaintiff in the case of the Cherokee-Shawnees against the Cherokee Nation and the United States? A Yes, sir.
- Q Were you or were you not the plaintiff in the case of the Shawnee Indians against the government of the United States? A Yes, sir.
- Q Did you know Martha Stand before she died? A Yes, sir.
- Q Of what nation and tribe was she a member before 1871, June 10?
- A Shawnee.
- Q Was her mother a Shawnee or belonged to some other tribe? A Shawnee.
- Q Was her father a Shawnee or belonging to some other tribe or a white person? A Shawnee.
- Q How long did you know Martha Stand from the time of her birth before her death, how many years, what's your recollection? A Thirty some odd years.
- Q What was her Shawnee Indian Name? A Nawatanase.
- Q What time did she come to the Cherokee Nation to your knowledge?
- A Along about '70 or '71, said he didn't exactly know what year.
- Q Who did she come with, what family of Shawnees did she come with, is any?

A Why Chachequa, her Indian name, don't know the English of it.

Q Was that party that she came with any relation to the Prophet family or not? A Why she was a sister of John Prophet.

Q What relation was Martha Stand, alias Hawatanase, to the Prophet family? A Why this Chachequa was an aunt of hers.

Q Well who did Hawatanase first marry, her first marriage, and where did that marriage take place? A Her first marriage was taken place at the Neosho River, Cherokee Nation.

Q And who was that marriage to? A Bully.

Q What's the English name of that Indian name Bully? A Do you want the straight English name?

A Yes, straight English name, what was his English name? A He said his first name he don't know, but he went by the name of Hunter.

Q Was he a Cherokee-Shawnee Indian? A Yes, sir.

Q Did she have any children by him? A One.

Q What was the name of that child? A Wesekawase.

Q What was her English name? A Malinda Hunter.

Q Is she now living? A Yes, sir, saw her a few days ago.

Q After that marriage and the death of James Hunter who did she next marry? A He said his nephew, Charles Blackfeather.

Q Was you present at that marriage? A No, he wasn't there, saw them afterwards together.

Q Did Charles Blackfeather and her have any children? A One he knowed of.

Q Give the name of that one? A Susie Blackfeather.

Q Was Susie born in the Cherokee Nation? A Yes, sir.

Q Did she die in the Cherokee Nation or die elsewhere, if she is dead?

A Died at White Oak in the Cherokee Nation.

Q Did your nephew live with her till she died or not or were they divorced? A Till she died?

Q Till he died? A They lived together till he died.

Q Was your nephew, Charles Blackfeather, a registered Shawnee or not?

A Yes, sir, I guess he was.

Q He came here and lived and died in the Cherokee Nation did he or did he not? A Yes, sir.

Q Now then who next did she marry? A Tom Stand he says.

Q Rake your recollection again and see if she hadn't been married some time between the death of your nephew and the marriage to Tom Stand?

(No response.)

Q Did she ever marry Reuben White? A Yes, sir.

Q Did she have any children by Reuben White? A Not that he knows of.

Q Was Reuben White a registered Shawnee? A Yes, sir.

Q Who was his father? A Thomas White.

Q Who was his mother? A Kahnahkase, that's her Indian name.

Q Now about what time did Thomas Stand and her marry? A He don't know exactly, he said, how long.

Q Well were they living together at the date of her death and prior to that time? A Yes, sir, he knew them.

Q Well did he have any child or children living at the time of her death, did she have? A One that he knows of.

Q What Indian or English name or both of them did Martha go under and who she married about '80 or '81? A He says he don't know.

MR. HASTINGS: Well when she married Blackfeather? A Along about '84 or '5 as near as he can recollect. Now I'll tell you how he says he recollect this. He said when he first saw Blackfeather and her was at the time that Carney came there paying this money in '84.

COMMISSION: Well what name was she going by just before she married Blackfeather? Must have been, she must have went under the name of Prophet at that time.

MR. CLOVER: Prophet, she was married before by Hunter, and of course her maiden name- A They separated.

Q Then they came on the others; well it's either Hunter or White then up to that because '83 she was White. Her husband died in '86.

MR. DAUGHERTY: Which one of the husbands?

MR. CLOVER: That's Blackfeather, he died in '86, and she married Reuben White then after that time, and this Susie Blackfeather was born between '83 and '87, their child.

COMMISSION: The applicant is not identified on the Authenticated Roll of 1880 either as Martha Hunter, Martha Prophet or any other name mentioned in this testimony.

MR. CLOVER:

What family did Martha Stand come down here with when she came to the Cherokee Nation? A Well this Chachequa.

Q That's this Prophet; who was this Chachequa woman married to previous to when she came here? A Kawekah.

Q What's his English name? A He don't remember the English name, but it's Caleb Harvey's brother.

COMMISSION: Now what family did this Martha Stand come to the Cherokee Nation with? A Well that's the family she came with, with Chachequa.

Q What's the English for that? A There is no English for that.

Q This Chachequa was the aunt of Martha Stand, was she? A Yes, sir.

Q Well now who was her aunt married to? A He thinks that John Francis or Kahwekah and this Chachequa was living together when they came to the Cherokee Nation.

Q Now Kahwekah is John Francis in English? A John Francis, yes, sir.

Q Now did John Francis and his wife have any children of their own when they came down here? A No, sir.

MR. HASTINGS: None at all? A No.

COMMISSION: Well did his wife have any children? A Oh yes, she had children.

Q How many did she have when she came here? A Three that he remembers of.

Q Well what name did these children go by? A They went by the name of their father.

Q Who was the father? A Chepae, he don't know the English name.

MR. Hastings: Well was John Francis' wife living when they came down? A Why yes, Chachequa.

Q And she had three children of her own? A Three or four that he knows of.

MR. CLOVER: Who was she married to before that, who was this Chachequa married to when she came down here, I mean? A Chepae.

Q Which Chepae is that? A He thinks his name is Hieachie.

Q What was his English name? A That's all he knows, that Hieachie.

Q Was there any other of that name in the tribe who came down here?

A Not that he knows of.

Q What became of him? A Died.

Q Who was the mother of Martha Stand, alias Nawatanase? A Lahlequa.

COMMISSION: Now what was the English for that? A Jacko.

MR. CLOVER: Who was she married to when she came to the Cherokee Nation? A He don't know.

Q Well state if he knows whether at any time she was ever married to Alexander Drum? A Only by hearsay, that's all.

COMMISSION: Did he ever see her living with Alexander Drum? A He said that no, he never; he said only by hearsay that he was.

Q Now ask him what the English name of the mother of Martha Stand is at the present time or was before she died sometime ago? A He didn't know; I told him to state up to the time she died; he didn't know she was dead.

Q Well does he know what they called her, does he know what her given name was? A Her last name was Taylor.

Q Ask him whether he ever knew this woman by the name of Laura Jacko?

A That's before she was married; that was her name, he said that was her name before she was married.

Attention is here recalled to the name of Laura Drum as it appears opposite No. 236 in the list of Shawnees who removed to and settled in the Cherokee Nation in the year 1871, which Laura Drum appears to be the mother of the applicant, Martha Stand.

THOMAS DAUGHERTY, recalled:

COMMISSION: Were you acquainted with John Francis during his lifetime? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Sallie I think her name was.

Q Did she have any children by Francis? A No, not that I know of.

Q Did she have any children by any man? A Why she had children by Thomas Hieachie.

Q You knew Martha Stand during her lifetime? A Yes, sir.

Q How many children did this John Francis' wife have by Thomas Hieachie?

A Why she had three girls and one boy.

Q Now what relation, if any, did John Francis' wife bear to the applicant in this case, Martha Stand? A Why that was Martha Stand's aunt.

Q Did Martha Stand come to the Cherokee Nation with her wife? A Yes, sir, I think so.

Q Did Martha Stand have any brothers or sisters who came here at the same time? A No, I think not, not to my knowledge.

MR. HASTINGS: Now as I understand you John Francis' wife was named Sallie Prophet? A That was her maiden name.

Q Yes; she had three girls and one boy when she came to this country? A Yes, sir.

Q In other words John Francis' wife had four children when she came down here with the Shawnees? A Yes, sir, that's it.

MR. CLOVER: Did this Sallie Francis have any children named Angeline

MR. HASTINGS: Let him name them if he knows them; he says he knows them.

COMMISSION: Do you know the children of Sallie Prophet? A Yes, sir. Q What are their names? A Why there was Henry, and Susie, Phoebe and Theopowe.

MR. HASTINGS: These four children were children that she had had before her marriage to Francis, that I called your attention to? A Yes.

Q Weren't Francis' children? A No.

Q Francis' stepchildren? A Yes, sir.

MR. CLOVER: Here's Thomas Hieachie and two children marked down here, how many did he have? A He had them four children that I named.

Q Well this is her's by her- A Might have been two registered with him had a son, might have been with him, but he had no other children besides that to my knowledge.

COMMISSION: Well now was Hieachie the father of Sallie's children? A Yes, sir.

Q He was the father of those four children? A Yes, sir.

Q Did he have any other children besides these four at any time? A No, that is all they had, that is all he ever had.

MR. HASTINGS: Well didn't Tom marry somebody after they separated before they came down here? A Yes, sir, but he never had no children.

Q By a second wife? A No, no children, I know the woman's name that he married I think.

COMMISSION: Well how do you account for the fact that the name of Sallie's children, if she was married to Thomas Hieachie, appears on this Shawnee Register under the name of Prophet? A Well her and Hieachie separated and she took her maiden name.

Q And her children follow her? A Yes, sir, excepting if Hieachie had two of them, I don't know, there's their register here, he might have took two of the children and she took two because he had no other children only them four.

Q Well now was there anybody else besides Martha Stand who came down here with Sallie at that time, Sallie and her children and Martha; was there anybody else? A I think there was one older daughter by another marriage, but what her name is I don't know.

Q Sallie had another daughter by a different man than Hieachie? A Yes, sir, she had one child.

MR. CLOVER: Who was it? A Why I don't know her name--Welah-quechie.

COMMISSION: Who was the father of this Martha Stand? A Why his name is James Prophet, and at other times his name was Batiest, on the rolls James Batiest.

MR. CLOVER: What did they call Batiest, what was his given name? He was a Prophet. What did they call him, what was his given name? A James.

Q What was his Cherokee name? A Shawnee name I knew.

Q Yes, Shawnee name? A Pahwetote.

Q Q Did he go by any other English name; here we have got him down as Batiest, and his Indian name; what other name did he go by? A That's all I know.

Q Prophet? A Well I said that already, Prophet.

COMMISSION: Did this Martha ever have a Shawnee name? A Nawatanase. Q Did you ever know any other James Prophet who was a registered Shawnee except the father of this Martha? A That's all I knew.

Q Do you know whether or not James Prophet and Laura Jacko ever had any children other than the applicant? A That's all I know of them, just that one.

Q Well now after the separation of James Prophet and the mother of the applicant, Laura Jacko, did he, James Prophet, ever marry anyone else?

A Why to my knowledge he married this here woman.

Q What's that Shawnee name? A Mahmahahpewase.

MR. Hastings: That was his second wife then? A That is to my knowing.

Q That was Martha Stand's stepmother? A Yes, sir.

MR. CLOVER: How many times did you know them to be married anyway?

A I didn't know but three times, the last time he married he married a Delaware woman.

JOHNSON BLACKFEATHER, recalled:

MR. HASTINGS: Where did you first know Martha Stand? A Neosho River.

Q Did you know her up in Kansas before she came down there? A Yes, he said he knowed her in Kansas when she was about that high (indicating about two feet).

Q How far did he live from her? A About seven miles.

Q How long did she live there on the Neosho River; did she ever go over there and live in the Quapaw Agency? A He said he couldn't state exactly when she went over.

Q Well he knows she did go over? A Yes, sir, only by hearsay, he didn't know it; I reckon that he knowed that she lived on this side when she first came.

Q Does he know by hearsay how long she lived over there? A No, he couldn't state.

Q Well does he know when she came back, when did he first see her back here the first time after that? A He said he couldn't exactly tell when he first saw her first after she came there.

Q Well hasn't he got no recollection at all about it? A He said he couldn't say about when he saw her after she came over; might be wrong; said he could guess at it.

Q Well short time or long time. A Why it wasn't very long she was over there. Q Think it's been as much as a year or two years since she came from the Quapaw Reservation back over here? A You mean from the time-

Q That she come from the Reservation, she came back over here to the Cherokee Nation? A About twenty or twenty-five years.

Q Since she come back? A Yes, sir, that's when she went there first.

Q Well I'm after when she come back from over there ~~first~~, put that into the man's head.

COMMISSION: How long has she been back over here from the Quapaw Reservation? A Why he couldn't state; he said he didn't know.

Q He doesn't know about how long it was; hasn't he any idea? A He don't know, he said he couldn't remember when she came over.

MR. Hastings: Well he don't know whether it is one or twenty-five years? A He said he thought it was about twenty-five years.

Q Since she come back from over there? A I'm trying to get him to say not when she went over there, but when she came back, when he first saw her back here in this country after she went over there to the Quapaw Reservation? A He said he stated it a while ago.

Q Well I want to know it again; now it won't hurt him? A He says he made a statement there a while ago he thought it was about '84.

COMMISSION: Now has Laura Jacko's mother- how long has she been living in the Cherokee Nation? A Well she came in here about '70 or '71. Q How long did she continue to reside here? A He said that she come here about '70 or '71 and then stayed here a while and went with the absentee Shawnees.

Q In the Quapaw Reservation? A No, absentee Shawnees, Oklahoma.

Q Well how long did she stay over there? A Well something about six or seven years or maybe eight.

Q Well where did she go then? A Came back to the Cherokee Nation.

Q How does he remember about when she came back to the Cherokee Nation the last time? A A About four years ago.

Q She came here about four years ago from this time? A About four years ago.

Q What time of the year was it? A Well first he heard it was in the

fall of the year, about the fall of the year that he remembers.

Q Does he think it was in the fall of the year 1898 that she came back from Oklahoma? A About, I guess.

Q Well does he know of his own knowledge that she came back at that time? A Well he thinks that's about the time.

Q Well now how long did she continue to reside here after she came down with the Shawnees in '91 before she went to Oklahoma, about how many years was it? A He said he don't remember about what time, but he said he was there in '88 in Oklahoma and saw her there.

Q She was there then? A Yes, sir.

W She didn't come back here until about four years ago? A He said he guesses not, about four years ago.

Q Well did he ever see Martha Stand there in Oklahoma? A Never went there.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: R-164, R-165 and 7524.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 17th day of May, 1902.

P. G. Reuter,
Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above case.

Mabel H. Maxwell.

Subscribed and sworn to before me this 3rd day of July, 1902.

Seal


Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

190-

Commissioner

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

190



Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Laura Jacko
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
(Here insert name of postoffice.), Ind. Ter., and died on the 19th day of
Sept, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Thomas Dougherty, on oath state that I am 53
 years of age and a citizen, by Shawnee blood, of the Cherokee Nation;
 that my post office address is Vinita, Ind. Ter.; that I am
(Here insert name of post office.)
Cousin of Laura Jacko,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Shawnee blood, of the Cherokee Nation;
 and that said Laura Jacko died on the 19 day of
(Here insert name of deceased.)
September, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 24th day of December 1902.J. C. Starr
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, George Dick, on oath state that I am 51
 years of age, and a citizen, by Shawnee blood of the Cherokee Nation;
 that my post office address is White Oak, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Laura Jacko,
(Here insert name of deceased.)
 who was a citizen, by Shawnee blood of the Cherokee Nation;
 and that said Laura Jacko died on the 19 day of
(Here insert name of deceased.)
Sept, 1901.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 24th day of December 1902.J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Laura Jacko as a citizen of the Cherokee Nation of Shawnee blood.

O R D E R.

The record in this case shows that on September 22, 1900, Laura Jacko appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 15, 1902.

The evidence shows that Laura Jacko died on September 19, 1901, and an affidavit to that effect is made a part of the record herein.

The Act of Congress approved July 1, 1902 (Public No. 241), section twenty-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered by this Commission that the application for the enrollment of Laura Jacko as a citizen of the Cherokee Nation of Shawnee blood be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR - 2 1903

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **February 1,**

1902

Mrs. Laura Jacko,

White Oak, Indian Territory.

Madam:-

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

11th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee R-1684 164
Register.

Acting Chairman.

Cherokee R 164

Vinita, Indian Territory, January 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted in Commission's letter of recent date, the following note appears thereon as to case R 164, Laura Jacks:
"Death affidavit has been filed, but is not in jacket, January 10, 1903."

The affidavit referred to is enclosed herewith.

Respectfully,

Clerk in Charge.

Encl-S-79

GRS

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-164

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application of Laura Jacko for the enrollment of herself as a citizen of the Cherokee Nation of Shawnee blood, she having died on September 19, 1901.

Respectfully,



Chairman.

Enc. M-2195

COPY.

Cherokee R-164

Muskogee, Indian Territory, March 7, 1903.

S. S. Clover,

Attorney for Laura Jacko,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated March 2, 1903, dismissing the application of Laura Jacko for the enrollment of herself as a citizen of the Cherokee Nation of Shawnee blood, she having died on September 19, 1901.

Respectfully,

Chairman.

Enc. M-195

Register.

Penalty for private use, \$300.



... .. 1920,

White Oak, Indian Territory.

unrealized gain

Cher R 165

Cher R 165

a

P165

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 24 1900

[Handwritten signature]

VINITA, I. T., SEPTEMBER 22nd, 1900.

by Commissioner, C. R. Brookinridge, testified as follows:

Q What is your full name? A Martha Stand.
Q How old are you? A Forty six.
Q What is your Postoffice? A Catalase.
Q In what district do you live? A Coowasecawee.
Q Who is it you want to have put on the roll? A Myself.
Q Just yourself? A Myself and one son.
Q How old is your son? A Eight years old.
Q Are you a Shawnee? A Yes sir.
Q Full blood? A Yes sir.
Q How long have you lived in the Cherokee Nation; all your life?
A Ever since the Shawnees moved down.
Q Since 1870? A Yes sir.
Q Have you lived in Coowasecawee all the time? A Yes sir.
Q What is your father's name? A Jim Prophet.
Q Is he dead? A Yes sir.
Q Your mother's name? A Laura Jacko.
Q Is she dead? A No sir; she is living.
Q When did you marry Stand? A About nine years ago.
Q What is his full name? A Thom Stand.
Q Colored or white? A White.
Q Dead? A He is living.
Q How long has your son been married? A Blackfeather.
Q How long ago was that? A Yes sir.
Q Did you get live with them close to 25 years out there in the
Oklahoma Country? A No sir.
Q Did you have a husband called Blackfeather? A No sir;
only Blackfeather.


The applicant can not be a victim on her roll of the murdered nation: she claims to be a full blood Cherokee, but actually is: she claims that she came to the Cherokee nation in 1890 as a laborer, and she lives there ever since.

On the other hand, the benefit of the doubt in this case, which can not be established at the present, will be in favor of the "Red Star Card", in order to secure a future reward if it came.

It is pointed out, with reason, that on the other hand, even if he is forced to give a full definition, he correctly records the number of proceedings in the case, so that the order of the a true attempt to represent the proceedings in a true way.

R. R. Brown

1951-1952
1953-1954
1955-1956
1957-1958
1959-1960
1961-1962
1963-1964
1965-1966
1967-1968
1969-1970
1971-1972
1973-1974
1975-1976
1977-1978
1979-1980
1981-1982
1983-1984
1985-1986
1987-1988
1989-1990
1991-1992
1993-1994
1995-1996
1997-1998
1999-2000
2001-2002
2003-2004
2005-2006
2007-2008
2009-2010
2011-2012
2013-2014
2015-2016
2017-2018
2019-2020
2021-2022
2023-2024
2025-2026
2027-2028
2029-2030
2031-2032
2033-2034
2035-2036
2037-2038
2039-2040
2041-2042
2043-2044
2045-2046
2047-2048
2049-2050
2051-2052
2053-2054
2055-2056
2057-2058
2059-2060
2061-2062
2063-2064
2065-2066
2067-2068
2069-2070
2071-2072
2073-2074
2075-2076
2077-2078
2079-2080
2081-2082
2083-2084
2085-2086
2087-2088
2089-2090
2091-2092
2093-2094
2095-2096
2097-2098
2099-2100
2101-2102
2103-2104
2105-2106
2107-2108
2109-2110
2111-2112
2113-2114
2115-2116
2117-2118
2119-2120
2121-2122
2123-2124
2125-2126
2127-2128
2129-2130
2131-2132
2133-2134
2135-2136
2137-2138
2139-2140
2141-2142
2143-2144
2145-2146
2147-2148
2149-2150
2151-2152
2153-2154
2155-2156
2157-2158
2159-2160
2161-2162
2163-2164
2165-2166
2167-2168
2169-2170
2171-2172
2173-2174
2175-2176
2177-2178
2179-2180
2181-2182
2183-2184
2185-2186
2187-2188
2189-2190
2191-2192
2193-2194
2195-2196
2197-2198
2199-2200
2201-2202
2203-2204
2205-2206
2207-2208
2209-2210
2211-2212
2213-2214
2215-2216
2217-2218
2219-2220
2221-2222
2223-2224
2225-2226
2227-2228
2229-2230
2231-2232
2233-2234
2235-2236
2237-2238
2239-2240
2241-2242
2243-2244
2245-2246
2247-2248
2249-2250
2251-2252
2253-2254
2255-2256
2257-2258
2259-2260
2261-2262
2263-2264
2265-2266
2267-2268
2269-2270
2271-2272
2273-2274
2275-2276
2277-2278
2279-2280
2281-2282
2283-2284
2285-2286
2287-2288
2289-2290
2291-2292
2293-2294
2295-2296
2297-2298
2299-2300
2301-2302
2303-2304
2305-2306
2307-2308
2309-2310
2311-2312
2313-2314
2315-2316
2317-2318
2319-2320
2321-2322
2323-2324
2325-2326
2327-2328
2329-2330
2331-2332
2333-2334
2335-2336
2337-2338
2339-2340
2341-2342
2343-2344
2345-2346
2347-2348
2349-2350
2351-2352
2353-2354
2355-2356
2357-2358
2359-2360
2361-2362
2363-2364
2365-2366
2367-2368
2369-2370
2371-2372
2373-2374
2375-2376
2377-2378
2379-2380
2381-2382
2383-2384
2385-2386
2387-2388
2389-2390
2391-2392
2393-2394
2395-2396
2397-2398
2399-2400
2401-2402
2403-2404
2405-2406
2407-2408
2409-2410
2411-2412
2413-2414
2415-2416
2417-2418
2419-2420
2421-2422
2423-2424
2425-2426
2427-2428
2429-2430
2431-2432
2433-2434
2435-2436
2437-2438
2439-2440
2441-2442
2443-2444
2445-2446
2447-2448
2449-2450
2451-2452
2453-2454
2455-2456
2457-2458
2459-2460
2461-2462
2463-2464
2465-2466
2467-2468
2469-2470
2471-2472
2473-2474
2475-2476
2477-2478
2479-2480
2481-2482
2483-2484
2485-2486
2487-2488
2489-2490
2491-2492
2493-2494
2495-2496
2497-2498
2499-2500
2501-2502
2503-2504
2505-2506
2507-2508
2509-2510
2511-2512
2513-2514
2515-2516
2517-2518
2519-2520
2521-2522
2523-2524
2525-2526
2527-2528
2529-2530
2531-2532
2533-2534
2535-2536
2537-2538
2539-2540
2541-2542
2543-2544
2545-2546
2547-2548
2549-2550
2551-2552
2553-2554
2555-2556
2557-2558
2559-2560
2561-2562
2563-2564
2565-2566
2567-2568
2569-2570
2571-2572
2573-2574
2575-2576
2577-2578
2579-2580
2581-2582
2583-2584
2585-2586
2587-2588
2589-2590
2591-2592
2593-2594
2595-2596
2597-2598
2599-2600
2601-2602
2603-2604
2605-2606
2607-2608
2609-2610
2611-2612
2613-2614
2615-2616
2617-2618
2619-2620
2621-2622
2623-2624
2625-2626
2627-2628
2629-2630
2631-2632
2633-2634
2635-2636
2637-2638
2639-2640
2641-2642
2643-2644
2645-2646
2647-2648
2649-2650
2651-2652
2653-2654
2655-2656
2657-2658
2659-2660
2661-2662
2663-2664
2665-2666
2667-2668
2669-2670
2671-2672
2673-2674
2675-2676
2677-2678
2679-2680
2681-2682
2683-2684
2685-2686
2687-2688
2689-2690
2691-2692
2693-2694
26

100. 

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 10 1902

RECORDED & INDEXED

JUL 10 1902

FILED

To be filed with R-155.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Martha Stand for the enrollment of herself and child as citizens of the Cherokee Nation.

SUPPLEMENTAL TO 7524.

Applicants represented by E. S. Glover, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

THOMAS DAUGHERTY, being first duly sworn, testified as follows:

- COMMISSIONER:** What is your name? A Thomas Daugherty.
- Q How old are you, Mr. Daugherty? A 52 years old.
- Q What is your postoffice address? A Vinita, I.T.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Are you a Shawnee? A A Cherokee-Shawnee, yes, sir.
- Q Are you acquainted with Martha Stand? A Yes, sir.
- Q What was the name of her mother? A The name of her mother?
- Q Yes, sir. A Let me see, Davit I think.
- Q Is her mother living at this time? A No.
- Q Laura Jacko isn't living, or Laura Davit? A No, sir.
- Q When did she die? A I don't remember, it's been about a year or such a matter.
- Q Now this Martha Stand, is she a Cherokee-Shawnee? A Yes, sir.
- Q How long have you known her? A Oh I knowed her quite a while, ever since she was a girl.
- Q Where was she living when you first became acquainted with her? A Why she was living in Kansas.
- Q When did she come to the Cherokee Nation? A Same time the Shawnees did.
- Q In '71? A '70 or '71 sometime, some came in '70 and some in '71.
- Q Where has she been living since that time? A Why she has lived on Caney up here a while.
- Q In the Cherokee Nation? A In the Cherokee Nation, Cooweescoowee District, and then she lived in White Oak until she died.
- Q Is that also in the Cherokee Nation? A Yes, sir, also in the Cherokee Nation.
- Q Have you known continuously since the time she came here with the Shawnees? A Yes, sir, I think I have.
- Q Where has she been living during all that time? A Well that's about all I know.
- Q Has she always to the best of your knowledge lived in the Cherokee Nation since that time? A Yes, sir, I think so.
- Q Is she living now? A No, sir, she died, I don't remember what date, but it's been—
- Q She died since this application was made? A Yes, sir, I think so.
- Q Is she a full-blood Shawnee? A We called her full-blood, yes, sir.
- Q Did this Martha Stand ever take an allotment with the absentee Shawnees in Kansas, that is did she ever go back there and take an allotment after she came to the Cherokee Nation? A No, sir.
- Q Do you know of your own knowledge whether or not she has been recognized as a citizen since she came here with the Shawnees? A I think so.
- MR. GLOVER:** Who was she first married to? A Was married to Charles Blackfeather—oh yes, now this James Hunter.
- Q Well who is James Hunter? A He is a Shawnee.
- Q Was he a registered Shawnee? A Yes, sir.
- Q Did she have any children by him? A Had one.
- Q Is that child alive? A Yes, sir.
- Q Who did she next marry? A Charles Blackfeather.
- Q Charles Blackfeather, was he a Cherokee-Shawnee, registered Cherokee-Shawnee? A Yes, sir.
- Q Did she have any children by him? A Had one that I know of.
- Q What is the name of that child? A Susie Blackfeather.
- Q That child alive or dead? A Died.

Q Charles Blackfeather, did he die, her husband, or not? A Yes, sir.

Q Who did she next marry after that? A Married Reuben White.

Q Was Reuben White a Cherokee-Shawnee? A Yes, sir.

Q A registered Cherokee-Shawnee I mean? A Yes, sir.

Q Were they divorced, separated? A Yes, sir.

Q And then she married who next? A Married Tom Stand.

Q Is he a Shawnee or a registered Shawnee or what tribe does he belong to? A Belongs to the eastern tribe of Shawnees.

Q He isn't a member of the Cherokee Nation then? A No.

Q Makes no claim I mean to that? A None only for that child.

MR. HASTINGS: How old were you when you came to the Cherokee Nation?

A Well I don't exactly know, I come in '71.

Q Well I want to know how old you are now? A I am 52.

Q Where did you first know this woman? A I knowed her-

Q Now I want to explain to you that I don't care about your hearing of her, but I want to know from your own personal knowledge? A Why-

Q When did you first know her? A I guess it was here in the Cherokee Nation.

Q You didn't know her then before you come here? A No.

Q You got acquainted with her after you come to the Cherokee Nation?

A Yes, sir.

Q How long after you come here? A Oh it wasn't long.

Q Well your best judgment? A About a year or two.

Q Where was she then living? A Why she was on-let's see, think on Caney.

Q Well now is Caney out near Bartlesville? A Caney, in the river I mean.

Q Is that out near Bartlesville? A It is near Talala.

Q Well it's west of Talala, ain't it? A Yes, sir, west of Talala.

Q Well Bartlesville is right on it, isn't it? A Well Bartlesville is further west.

Q Well now where were you living at that time, how far from Vinita?

A I lived nine miles north.

Q And that was about 75 miles from where this woman lived? A No, it wasn't that.

Q How far? A Something about 35 miles.

Q With whom was she living at that time? A Why now I can correct that account.

Q Just correct it any way you want to. A Why when I first knew her she lived on the Neosho River.

Q Where was that? A That was a little southeast of Chetopa down the river.

Q Well on which side of the Neosho River? A This side of the river.

Q With whom was she living then? A Why she was living there with Sallie, I think it is Sallie Prophet.

Q Sallie Prophet? A Yes, sir.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Was she single at that time? A No, I think not, she was living with this Hunter, they were living there.

Q She was living with Hunter? A James Hunter, yes, sir.

Q Well she was old enough at that time to be married, was she? A Oh yes, sir.

Q Did she have any children when you knew her? A Not when I first knew her.

Q She didn't? A No.

Q How long did she live there on the Neosho River? A I think she lived there till about '74.

Q And then where did she go? A I believe she went across the river from there to the Shawnee Reservation.

Q Over there in the Gaspar Agency? A Yes, sir.

Q How long did she live over there? A Well that I don't know.

Q Well she was living there in '80 wasn't she? A I couldn't say, she might have been.

Q Well she lived there quite a number of years, didn't she? A I don't know how long she did live there.

Q Well you know she did live there? A Well that's what I said.

Q Well now who did she go over there with? A Must have been with her mother.

Q Well, what was her mother's name? A Laura Davit, the way I knowed it.

Q Well was she separated from her first husband Hunter at that time?

A Yes, sir.

Q Where did Hunter go? A He lived there, he died right there on the Neosho River.

Q Well did she marry anyone else over there in that reservation? A Not that I know of.

Q Well now when of your own personal knowledge did you ever after that time see her in the Cherokee Nation? A Yes, sir, I have.

Q Well when I say? A Oh.

Q And about that I want you to be as positive as you can? A About '84.

Q Where? A There in Vinita.

Q Was she there on a visit? A No, they had some business there.

Q Well they lived though over in that reservation? A No they lived over on Caney.

Q They had moved to Caney then had they? A Yes, sir, had when I knew them.

Q What were they doing there in '84? A Why they were paying some of these Black Box Shawnees some money.

Q Was she known as one of these Black Box Shawnees? A She heired some of the proceeds of the land and also her husband.

Q That in the spring or the fall of that year? A I think it was along, must have been along about this time of year.

Q Are you certain it was in '84? A Well that's my gift of it.

Q Well do you feel positive about it? A I think so.

Q Did you ever see her living over on Caney? A Yes, sir.

Q Was you ever at her house? A Yes, sir.

Q How far did she live from Talala? A She lived about six miles west.

Q Six miles west; now when were you over there and saw her living there? A I have been there several times.

Q When was the first time? A First time was along about, well along about that time, along about '84 or '85.

Q Where did she marry Blackfeather? A Married him there?

Q On Caney? A Yes, sir.

Q What was her third husband's name? A Third husband was White.

Q Where did she marry him? A On White Oak.

Q Where did she marry Stand? A Married Stand there on White Oak.

Q You say he was an eastern Shawnee? A A Cherokee-Shawnee.

Q When did he come to the Cherokee Nation? A I don't know that, couldn't say, but after he married her.

Q Well did she and this last husband after their marriage continue to reside in the Cherokee Nation? A Yes, sir.

Q Live there all the time I mean? A After-

Q After she married her last husband? A Yes, sir, I think so.

Q Well do you know it? A Well she might have lived over there, he belonged over there; they might have lived there awhile now, that's what I'm trying to say.

Q Now Tom I want to tell you right now there's a spirit of not direct positiveness about what you are testifying; I want to know the absolute truth in this case, and I want to know it all, and I want to know where she and this last man lived; tell it all? A I know what you want; I don't know whether they lived over there after they married, but all I know they lived here.

Q Well what makes you think they lived over there? A Well I thought it might have been that way because he belonged over there; that they might have lived there awhile.

Q Where did he belong? A Eastern Shawnees.

Q Over where she first lived? A No, not where she first lived.

Q Well she had lived over there among those people, over in the Quapaw Agency, was it there or in Oklahoma? A Over there.

Q Over where? A Quapaw.

Q That's where he belonged? A Yes, sir.

Q Well now are you sure that she married him in the Cherokee Nation or over there? A Well I'm not positive about that.

Q You are not positive about that, you know that she's dead? A Yes, sir, I know she's dead.

Q When did she die? Do you know how long ago? A Must have been a year or more.

MR. CLOVER: I wish to ask you too, do you know whether her mother was a registered Shawnee or not and under what name she was registered? A I think she was.

Q Well state what you know of your own knowledge of it, whether her

mother was a registered Shawnee or not? A Why I said I think she was.

MR. HASTINGS: I suggest that the records will show that.

MR. CLOYER: Let Him state.

MR. HASTINGS: Well I ask the Commission to refer to Alexander Drum and find her name there.

COMMISSION: On the register of Shawnees?

MR. HASTINGS: Yes, sir.

COMMISSION: Was this woman ever known as Martha Drum? A No.

Q Do you know whether or not she was ever known as Martha Drum? A No.

Q What was her name when she came here with the Shawnees? A I think she went under the name of Prophet on the register.

Q What was her husband's name? A Hunter after she came to the country.

Q Well I mean after she came here with the Shawnees did she have a husband at that time? A No, sir.

Q Who did she marry, who had she been married to? A Nobody that I know of.

Q Was that her maiden name, Prophet? A I think so.

Q I asked just now what the name of this Martha Stand was, do you know what her maiden name was? A Well that's all I know, that Prophet.

Q Do you know what her father's name was? A Yes, sir.

Q What was his name? A I think his name was Prophet.

Q Are you sure that it was prophet, did you know him? A I knew the man.

Q Well what name did he go by? A He went by the name of Batiest, but he was really a Prophet. His name ought to have been Prophet, his name was Batiest.

Q Well what name was she going by when she came here with the Shawnees, did you know them at that time? A Yes, sir.

Q What name did she have? A Prophet.

Q Called her Martha Prophet? A I guess so.

MR. HASTINGS: Now didn't you tell me just now on cross-examination that you never did know this woman until she was living with this man Hunter up there on the Neosho? A I mean in the Cherokee Nation.

Q Well that's what you said; you said you never knew her until after she came to the Cherokee Nation, it was while she was living on the Neosho, and that she was living with a man by the name of Hunter and a woman by the name of Prophet's house? A Yes, sir.

Q You said just now on cross-examination that you never knew her before, didn't you? A I said that, yes, sir, of course I meant to say I didn't know her.

Q Well didn't you say just now that her mother's name was this Laura Davit ever here? A Yes, sir.

Q Well how would this woman's name be Prophet if her mother's name was Laura Davit? A Well just because she was raised by this Prophet.

Q Now who told you that? A Why I know the facts.

Q Well how do you know it? A Because I know that she was, she was with her, and came with them people right there.

Q How do you know that? A Because I went back and forth to the Neosho River.

Q Well you never saw her then until after she married, and that was sometime after you had met her, I mean after she had married Hunter?

A No, I knowed her before that.

Q When? A I knowed her before that, come to think over the matter I know that I knowed her before that time.

Q Well now this Sarah Prophet wasn't her mother? A No.

Q And she was then a minor child wasn't she? A Yes, sir, Sallie Prophet was her aunt.

Q Well is she alive? A No, sir, she's dead.

Q And is any members of that family alive? A Yes, sir, there is. Sallie Bighife, that's the daughter of this Sallie.

COMMISSION: What name was this woman going by about six years ago?

A Six years ago?

Q Yes. What was her last husband's name? A Stand.

Q When did she marry him? A Well I don't know when they were married.

Q How long has he been dead, Stand? A He ain't dead; he's alive.

Q He's living is he? A Yes, sir.

Q Well did she live with him continuously up until the time she died?

A Yes, sir.

Q Is he a Cherokee? A No, sir, he's an Eastern Shawnee.

Q Not a citizen of the Cherokee Nation? A No, sir.

Q Where does he live? A He lives there on the place where she died on

on White Oak in Coconawawee District.

Q Has he an allotment with the absentee Shawnees? A No, he's an Eastern Shawnee.

Q An Eastern Shawnee? A Yes, sir, in the Quapaw country.

Q Has this child Edward always made its home in the Cherokee Nation?

A I think so.

Q Well how do you know whether it has? A To the best of my knowledge they have.

Q Do you know whether or not he has ever received an allotment with the Eastern Shawnees? A I don't know.

Q Did his father ever take an allotment with them? A I think his father did.

Q That's in the Quapaw Agency? A Yes, sir.

Q How long ago was that that he was living on it? A I couldn't say.

Q Well isn't he living on it now? A No, he's living about White Oak; I saw him day before yesterday up there at White Oak.

Q When did she marry Reuben White, how long ago? A I don't know exactly to a day.

Q Well about how long ago was that? A Well along about the time this little-before this Wallace roll was made; I don't know when that was exactly.

Q Well about how many years ago was it, ten or fifteen or how many?

A Why I couldn't say how many years.

Q Haven't you any idea as to the number of years? A I don't know, couldn't say.

JOHNSON BLACKFEATHER, being first duly sworn, testified as follows through sworn interpreter Thomas Daugherty:

MR. CLOVER: What's your name? A Blackfeather, Johnson Blackfeather.

Q What's your age? A About 64 years old.

Q What is your postoffice address? A Vinita.

Q What positions have you held in the Shawnee tribe of Indians prior to your time of coming to the Indian Territory and Cherokee Nation? A Why he said he had been a councilman before he came to the Cherokee Nation.

Q You were a Shawnee Indian by blood and birth? A Yes, sir.

Q What positions have you held in the Cherokee Nation in the Shawnee organization since you came here? A He said he has been a chief of the Shawnees.

Q Were you or were you not plaintiff in the case of the Shawnee Indians against the government of the United States? A Yes, sir.

Q Did you know Martha Stand before she died? A Yes, sir.

Q Of what nation and tribe was she a member before 1871, June 10?

A Shawnee.

Q Was her mother a Shawnee or belonged to some other tribe? A Shawnee.

Q Was her father a Shawnee or belonging to some other tribe or a white person? A Shawnee.

Q How long did you know Martha Stand from the time of her birth before her death, how many years, what's your recollection? A Thirty some odd years.

Q What was her Shawnee Indian name? A Nawatanase.

Q What time did she come to the Cherokee Nation to your knowledge?

A Along about '70 or '71, said he didn't exactly know what year.

Q Who did she come with, what family of Shawnees did she come with, if any? A Why Chachequa, her Indian name, don't know the English name of it

Q Was that party that she came with any relation to the Prophet family or not? A Why she was the sister of John Prophet.

Q What relation was Martha Stand, alias Nawatanase, to the Prophet family? A Why this Chachequa was an aunt of hers.

Q Well who did Nawatanase first marry, her first marriage, and where did that marriage take place.

Q Her first marriage was taken place at the Neosho River, Cherokee Nation.

Q And who was that marriage to? A To Bully.

Q What's the English name of that Indian name Bully? A Do you want the straight English?

Q Yes, straight English name, what was his English name? A He said his first name he don't know, but he went by the name of Hunter.

Q Was he a Cherokee-Shawnee Indian? A Yes, sir.

Q Did she have any children by him? A One.

Q What was the name of that child? A Vesekawase.
Q What was her English name? A Malinda Hunter.
Q Is she now living? A Yes, sir, saw her a few days ago.
Q After that marriage and the death of James Hunter who did she next marry? A He said his nephew, Charles Blackfeather.
Q Was you present at that marriage? A No, he wasn't there, saw them afterwards together.
Q Did Charles Blackfeather and her have any children? A One he knowed of.
Q Give the name of that one? A Susie Blackfeather.
Q Was Susie born in the Cherokee Nation? A Yes, sir.
Q Did she die in the Cherokee Nation or die elsewhere, if she's dead?
A Died at White Oak in the Cherokee Nation.
Q Did your nephew live with her until she died or not or were they divorced? A Till she died?
Q Till he died? A They lived together till he died.
Q Was your nephew, Charles Blackfeather, a registered Shawnee or not?
A Yes, sir, I guess he was.
Q He came here and lived and died in the Cherokee Nation did he or did he not? A Yes, sir.
Q Now then who next did she marry? A Tom Stand he says.
Q Rake your recollection again and see if she hadn't been married some time between the death of your nephew and the marriage to Tom Stand?
(No response)
Q Did she ever marry Reuben White? A Yes, sir.
Q Did she ever have any children by Reuben White? A Not that he knows of.
Q Was Reuben White a registered Shawnee? A Yes, sir.
Q Who was his father? A Thomas White.
Q Who was his mother? A Kahnahkase, that's her Indian name.
Q Now about what time did Thomas Stand and her marry? A We don't know exactly, he said, how long.
Q Well were they living together as man and wife at the date of her death and prior to that time? A Yes, sir, he knew them.
Q Well did he have any child or children living at the time of her death, did she have? A One that he knows of.
Q What Indian or English name or both of them did Martha go under and who she married about '80 or '81? A He says he don't know.
MR. HASTINGS: Well when she married Blackfeather? Along about '84 or '5 as near as he can recollect. Now I'll tell you how he says he recollects this. He said when he first saw Blackfeather and her was at the time that Carney came there paying this money in '84.
COMMISSION: Well what name was she going by just before she married Blackfeather? A Must have been, she must have went under the name of Prophet at that time.
MR. CLOVER: Prophet, she was married before by Hunter, and of course her maiden name - A They separated.
Q Then they came on the others; well it's either Hunter or White then up to that because '83 she was a White. Her husband died in '86.
MR. DAUGHERTY: Which one of the husbands?
MR. CLOVER: That's Blackfeather, he died in '86, and she married Reuben White then after that time, and this Susie Blackfeather was born between '83 and '87, their child.
COMMISSION: The applicant is not identified on the Authenticated Roll of 1880 either as Martha Hunter, Martha Prophet, or any other name mentioned in this testimony.
MR. CLOVER: What family did Martha Stand come down here with when she came to the Cherokee Nation? A Well this Chachequa.
Q That's this Prophet; who was this Chachequa woman married to previous to when she came here? A Kahnukah.
Q What's his English name? A We don't remember the English name, but it's Caleb Harvey's brother.
COMMISSION: Now what family did this Martha Stand come to the Cherokee Nation with? A Well that's the family she came with, with Chachequa.
Q What's the English for that? A There is no English for that.
Q This Chachequa was the aunt of Martha Stand, was she? A Yes, sir.
Q Well now who was her aunt married to? A He thinks that John Francis or Kahnukah and this Chachequa was living together when they came to the

to the Cherokee Nation.

Q Now Kawakah is John Francis in English? A John Francis, yes, sir.

Q How did John Francis and his wife have any children of their own when they came down here? A No, sir.

MR. HASTINGS: None at all? A No.

COMMISSION: Well did his wife have any children? A Oh yes, she had children.

Q How many did she have when she came down here? A Three that he remembers of.

Q Well what name did these children go by? A They went by the name of their father.

Q And who was the father? A Chapas, he don't know the English name.

MR. HASTINGS: Well was John Francis' wife living when they came down? A Why yes, Chachequa.

Q And she had three children of her own? A Three or four that he knows of.

MR. CLOVER: Who was she married to before that, who was this Chachequa married to when she came down here, I mean? A Chapas.

Q Which Chapas is that? A He thinks his name is Hieachie.

Q What was his English name? A That's all he knows, that Hieachie.

Q Was there any other of that name in the tribe who came down here? A Not that he knows of.

Q What became of him? A Died.

Q Who was the mother of Martha Stand, alias Nawatanase? A Lahlequa.

COMMISSION: Now what was the English for that? A Jacko.

MR. CLOVER: Who was she married to when she came to the Cherokee Nation? A He don't know.

Q Well state if he knows whether at any time she was ever married to Alexander Drum? A Only by hearsay, that's all.

COMMISSION: Did he ever see her living with Alexander Drum?

A He said that no he never; he said only by hearsay that he was.

Q Now ask him what the English name of the mother of Martha Stand is at the present time or was before she died sometime ago? A He didn't know; I told him to state up to the time that she died; he didn't know she was dead.

Q Well does he know what they called her, does he know what her given name was? A Her last name was Taylor.

Q Ask him whether he ever knew this woman by the name of Laura Jacko?

A That's before she was married; that was her name, he said that was her name before she was married.

Attention is here called to the name of Laura Drum as it appears opposite No. 236 in the list of Shawnees who removed to and settled in the Cherokee Nation in the year 1871, which Laura Drum appears to be the mother of the applicant, Martha Stand.

THOMAS DAUGHERTY, recalled:

COMMISSION: Were you acquainted with John Francis during his lifetime? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Sallie I think her name was.

Q Did she have any children by Francis? A No, not that I know of.

Q Did she have any children by any man? A Why she had children by Thomas Hieachie.

Q You knew Martha Stand during her lifetime? A Yes, sir.

Q How many children did this John Francis' wife have by Thomas Hieachie?

A Why she had three girls and one boy.

Q Now what relation, if any, did John Francis' wife bear to the applicant in this case? Martha Stand? A Why that was Martha Stand's aunt.

Q Did Martha Stand come to the Cherokee Nation with her aunt? A Yes, sir, I think so.

Q Did Martha Stand have any brothers or sisters who came here at the same time? A No, I think not, not to my knowledge.

MR. HASTINGS: Now as I understand you John Francis' wife was named Sallie Prephott? A That was her maiden name.

Q Yes; she had three girls and one boy when she came to this country?

A Yes, sir.

Q In other words John Francis' wife had four children when she came down here with the Shawnees? A Yes, sir, that's it.

-2-
MR. CLOVER: Did this Sallie Francis have any children named Angelina?

MR. HASTINGS: Let him name them if he knows them, he says he knows them.

COMMISSION: Do you know the children of Sallie Prophet? A Yes, sir.
Q What are their names? A Why there was Henry, and Susie, Phoebe and Theopewas.

MR. HASTINGS: These four children were children that she had had before her marriage to Francis, that I called your attention to? A Yes.

Q Weren't Francis' children? A No.

Q Francis' stepchildren? A Yes, sir.

MR. CLOVER: Here's Thomas Hiachie and two children marked down here, how many did he have? A He had them four that I named.

Q Well this is her's by her- A Might have been two registered with him, has a son, might have been with him, but he had no other children besides that to my knowledge.

COMMISSION: Well now was Hiachie the father of Sallie's children?

A Yes, sir.

Q He was the father of these four children? A Yes, sir.

Q Did he have any other children besides these four at any time?

A No, that's all they had, that is all he ever had.

MR. HASTINGS: Well didn't Tom marry somebody after they separated before they came down here? A Yes, sir, but he never had no children.

Q By a second wife? A No, no children, I know the woman's name that he married I think.

COMMISSION: Well how do you account for the fact that the name of Sallie's children, if she was married to Thomas Hiachie, appears on this Shawnee Register under the name of Prophet? A Well her and Hiachie separated and she took her maiden name.

Q And had her children follow her? A Yes, sir, excepting if Hiachie had two of them, I don't know, there's their register here, he might have took two of the children and she took two because he had no other children only them four.

Q Well now was there anybody else besides Martha Martha Stand who came down here with Sallie at that time, Sallie and her children and Martha; was there anybody else? A I think there was one older daughter by another marriage, but what her name is I don't know.

Q Sallie had another daughter by a different man that Hiachie? A Yes, sir, she had one child.

MR. CLOVER: Who was it? A Why I don't know her name-Welahquechie.

COMMISSION: Who was the father of this Martha Stand? A Why his name is James Prophet, and at other times his name was Batiest, in the rolls James Batiest.

MR. CLOVER: What did they call Batiest, what was his given name? He was a Prophet. What did they call him, what was his given name?

A James.

Q What was his Cherokee name? A Shawnee name I know.

Q Yes, Shawnee name? A Pahwetote.

Q Did he go by any other English name; here we have got him down as Batiest, and his Indian name; what other name did he go by? A That's all I know.

Q Prophet? A Well I said that already, Prophet.

COMMISSION: Did this Martha Stand ever have a Shawnee name? A Yes-watanase.

Q Did you ever know any other James Prophet who was a registered Shawnee except the father of this Martha? A That's all I know.

Q Do you know whether or not James Prophet and ~~the woman~~ Laura Jacko ever had any children other than the applicant? A That's all I know of them, just that one.

Q Well now after the separation of James Prophet and the mother of the applicant, Laura Jacko, did he, James Prophet, ever marry anyone else?

A Why to my knowing he married this here woman.

Q What's that Shawnee name? A Nahnahahpewase.

MR. HASTINGS: That was his second wife then? A That is to my knowing.

Q That was Martha Stand's stepmother? A Yes, sir.

MR. CLOVER: How many times did you know them to be married anyway? A I didn't know but three times, the last time he married he married a Delaware woman.

MR. HASTINGS: Where did you first know Martha Stand? A Neosho River.

Q Did you know her up in Kansas before she came down there? A Yes, he said he knowed her in Kansas when she was about that high, (indicating about two feet.)

Q How far did he live from her? A About seven miles.

Q How long did she live there on the Neosho River; did she ever go over there and live in the Quapaw Agency? A He said he couldn't state exactly when she went over.

Q Well he knows she did go over? A Yes, sir, only by hearsay, he didn't know it; I reckon that he knowed that she lived on this side when she first came.

Q Does he know by hearsay how long she lived over there? A No he couldn't state.

Q Well does he know when she came back, when did he first see her back here the first time after that? A He said he couldn't exactly tell when he saw her first after she came there.

Q Well hasn't he got no recollection at all about it? A He said he couldn't say about when he saw her after she came over, might be wrong; said he could guess at it.

Q Well short time or long time? Why it wasn't very long she was over there.

Q Think it's been as much as a year or two years since she came from the Quapaw Reservation back over here? A You mean from the time-

Q That she come from the Reservation, she came back over here to the Cherokee Nation? A About twenty or twenty-five years.

Q Since she come back? A Yes, sir, that's when she went there first.

Q Well I'm after when she came back from over there, put that into the man's head.

COMMISSIONER: How long has she been back over here from the Quapaw Reservation? A Why he couldn't state; he said he didn't know.

Q Doesn't he know about how long it was; hasn't he any idea? A He don't know, he said he couldn't remember when she came over.

MR. HASTINGS: Well he don't know whether it is one or twenty-five years? A He said he thought it was about twenty-five years.

Q Since she come back from over there? I'm trying to get him to say not when she went over there, but when she came back, when he first saw her back here in this country after she went over there to the Quapaw Reservation? A He said he stated it a while ago.

Q Well I want to know it again; now it won't hurt him? A He says he made a statement there awhile ago he thought it was about '84.

COMMISSIONER: Now has Laura Jacko's mother- how long has she been living in the Cherokee Nation? A Well she came in here about '70 or '71. Q How long did she continue to reside here? A He said she came here about '70 or '71 and then stayed here a while and went with the absentee Shawnees.

Q In the Quapaw Reservation? A No, absentee Shawnees, Oklahoma.

Q Well now how long did she stay over there? A Well something about six or seven or maybe eight years.

Q Well where did she go then? A Came back to the Cherokee nation.

Q How does he remember about when she came back to the Cherokee Nation the last time? A About four years ago.

Q She came here about four years ago from this time? A About four years ago.

Q What time of the year was it? A Well first he heard it was in the fall of the year, about the fall of the year that he remembers.

Q Does he think it was in the fall of the year 1898 that she came back from Oklahoma? A About, I guess.

Q Well does he know of his own knowledge that she came back at that time? A Well he thinks that's about the time.

Q Now how long did she continue to reside here after she came down with the Shawnees in '71 before she went to Oklahoma, about how many years was it? A He said he don't remember about what time, but he said he was there in '85 in Oklahoma and saw her there.

Q She was there then? A Yes, sir.

Q She didn't come back here until about four years ago? A He said he guesses not, about four years ago.

Q Well did he ever see Martha Stand there in Oklahoma? A Never went there.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: R-164, R-165 and 7524.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 17th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell

Subscribed and sworn to before me this 12th day of July, 1902.


Notary Public.



1. 1. 1

1. 1. 1

R300

2-1

578

CHEROKEE

(107)

K 165

Department of the Interior.

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.*

General Office.

CHEROKEE

MARTHA STAND.

K 165

Cher R 166

Cher R 166

a

R166

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

[Vertical handwritten text]

[Vertical handwritten text]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF William R. Stuart and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testimony as follows:

- Q. Give me your full name please? A. William R. Stuart.
How old are you? A. Forty two.
What is your Postoffice? A. Adair.
In what district do you live? A. Cowwanoocwas.
For whom do you apply for enrollment; yourself? A. I am an adopted white.
Yourself, wife and children? A. My wife is dead.
Yourself and children? A. Yes sir, if I can enroll as an adopted citizen.
How many children? A. Three.
Yourself and three children? A. Yes sir.
You are an adopted citizen, you claim, do you? A. Yes sir.

Have you your marriage license and certificate? A. Yes sir.
The applicant presents a duly authenticated marriage license, issued by the Clerk of Cowwanoocwas District, September 14th, 1885, authorizing his marriage to Mrs. Marion Stewart, and the certificate of the same shows that on the 14th of the same month, 1885, he and his wife were united in marriage by Charles Tucker, Minister of the Gospel: Thereupon the files herewith.

Was that the marriage you contracted in accordance with Cherokee law with your own wife? Had you been previously married to her according to United States law? A. No sir.

- Q. She just had the same name? A. She has been married before.
Not to you? A. No sir; to a second cousin.
When did the wife die? A. She died November, 1896.
Did you and she live together as husband and wife from the time of your marriage in 1885 until her death in 1896? A. Yes sir.
And you lived all the time in the Cherokee Nation? A. Yes sir.
Have you ever married again, since she died? A. Yes sir.
What is the name of your present wife? A. Maggie Stuart.
What was her name? A. Her name was Jane.
When did you marry her? A. January, 1897.

- Is she living now? A. Yes sir.
She is a white woman, is she? A. Yes sir.
You and her are living together now, are you? A. Yes sir.
Give me the names of your children, please? A. There are three: one is Riley Wilburn.

- How old is that child? A. Born August 7th, 1896.
Next child? A. Albert H., born November 1st, 1897.
Next child? A. Mabel E., born July 19th, 1900.
All living now, are they? A. Yes sir.
What was your first wife's name in 1880; is it Stuart?

- A. Yes sir.
(1880 Roll, Page 170, 1833, Mariane Stewart, Cowwanoocwas Dist)
(1885 Roll, Page 34, 1833, Wiley R. Stuart, Cowwanoocwas Dist)
(1890 Roll, Page 31, 1864, Albert R. Stuart, ")
(1895 Roll, Page 31, 1833, Mabel E. Stuart, ")
(Applicant is on the roll of 1890, Page 31, 1833, William R. Stuart, Cowwanoocwas District)

The applicant applies for the enrollment of himself and three children: His deceased wife is identified on the roll of 1880, as a Shawnee, and her marriage to him in 1885 is established by the license and certificate files herewith: Since the death of his wife, however, the applicant states that he has married a white woman: He is identified on the roll of 1896: His later marriage was contracted in 1897, and he is considered by the later marriage to have forfeited his right to Cherokee citizenship: Hence, the applicant is not eligible for enrollment in the Cherokee Nation.

His three children are identified with their father on the roll of 1896, and are living now. They will be listed for enrollment now as Cherokee Shoshone.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Crum

Subscribed and sworn to before me
this 28th day of September, 1900.

[Signature]

COMMISSIONER.



17166

DEPART
COMMISSION TO THE PRESIDENT
FILED
SEP 22 1900

1
[Signature]
J. A. RYAN

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 22 1900

1900.

Date

Name

42 William R. Stuart

Adair St.

COOWEESCOOWEE.

Year

1896

Page

323

No. *912*

District

Citizen by blood

No.

Mother's citizenship

Intermarried citizen

Yes

Married under what law

Cherokee

Date of marriage

Sept. 4, 1895

License

Certificate

Wife's name

Year

Page

No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Filed

SEP 22 1900

Certificate

Filed

SEP 22 1900

Names of Children:

*2
3
4*

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Marriage license and cert. attached,

71100

3299

Cherokee Nation,
Cooweescoowee District.

To all whom it may concern: I Arch McCoy Clerk of the
abovenamed District and Nation by the authority in me vested by law,
do this day Issue a License of Marriage to W. R. Stewart a citi-
zen of the U. S. to marry Mrs. Mariam Stewart a citizen of the C. N.

Cherokee Nation,

Cooweescoowee District.

To all whom it may concern: I Arch McCoy Clerk of the abovenamed District and Nation by the authority in me vested by law, do this this day Issue a License of Marriage to W. R. Stewart a citizen of the U. S. to marry Mrs. Marium Stewart a citizen of the C. N. he having complied with the law in regard to intermarriage with white men & Forigners

Therefore any Ordained minister of the Gospel of any Evangelical Denomination, or any of the several Judges and Clerks are hereby authorized to solemnize the rites of Matrimony between the parties and attach a certificate of such Marriage on the back of this Marriage License within Thirty(30) days for record.

Given on this the 14th day of September 1885.

(Signed) Arch McCoy.

(SEAL)

Clk. Cooweescoowee Dist.

Minister witness.

Charles Tucker
E. A. Adair

} Witness) Charles Rider.

This is to certify that- and make known that I did on the 16th day of September 1885, join together in the Holy Bonds of Matrimony according to the Laws of the Cherokee Nation I. T. W. R. Stewart, a United States citizen, and Marium Stewart, a citizen of the Cherokee Nation, I. T.

Witness: (Signed) Lincoln Purcell.

(Signed) Chales Tucker,

Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 26, 1902.

I, the undersigned, as stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of W. R. Stewart for enrollment as a citizen of the Cherokee Nation.

James S. Battey

E.

11-1

MAR 1 1962

[Handwritten signature]

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of William R. Stuart, refused by the Commission under the provisions of the Act of Congress approved June 26, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. A. 166, it is entitled William R. Stuart, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 166.

(COPY)

R 106

Muskogee, Indian Territory, February 14, 1902.

Mr. William R. Stuart,

Adair, Indian Territory.

Dear Sir:

On the 22nd day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 16th day of September, 1885, to one Mariam Stewart, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 23, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so

admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It further appears from the testimony, that, the aforesaid Marius Stewart having died in November, 1896, you married in January, 1897, one Maggie Lane, a white woman. The rights of citizenship which you acquired by your marriage to Marius Stewart, were forfeited by your subsequent marriage, in January, 1897, to the aforesaid Maggie Lane, a white woman.

The Cherokee law as applicable in this case is as follows:

"Sec. 6661 Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of

the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles

Assistant

Enclosure.

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 11 1902

Washington, Indian Territory,

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
advice to the Cherokee Nation, dated at Washington, D.C., in the matter of the application
of William R. Stuart for enrollment as a citizen of the
Cherokee Nation.*

Cherokee Nation P. 166.

W. R. Stuart
Attorney for Cherokee Nation

0
0077.
Refer in reply to the following.

11300-1902.
11301-1902.
11302-1902.
11303-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 22, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to office report of even date transmitting the record relative to 189 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 49 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adaline Abel	48	Alfred D. Stewart
43	Martha A. Hunter	46	Edward E. Kump
47	Evie Hall	52	Annie Nelson
56	Burford L. Sumnerhill	58	David Coff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles C. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
111	Missouri Williams	115	Daniel A. LaBarge
129	George B. Tell	131	Lula Roberts
140	Robert Klaus, Sr.	150	James T. Skinner

Number	Name	Number	Name.
152	George H. Warren	166	William R. Stuart
176	George T. Gibbney	240	Frank Jordan
246	John Hunt	251	John F. Rice
254	Emos W. Parsons	262	Richard B. Carrington
264	Lambert T. Kirkland	270	Ben Hall
272	Elizabeth Hall	295	William B. Wallace, Sr.
324	Silas R. Busby	357	Canada Youngblood
360	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
451	John T. Stevenson	458	Frank W. Garrison
467	Samuel W. Carpenter	475	Lillie Wood
483	Ed Gwartney	500	William J. Williams
544	Samuel L. Sweeton	500	Harry C. Armstrong
525	Malinda Latham		

Section 21 of the Act of June 20, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful rights therein, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith,

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Torner,

Acting Commissioner.

G. A. W. (E.)

L.R.S.

18089.

F.

J.P.

Department of the Interior.

Washington.

March 26, 1902.

I. T. D. 1780-1902.

D. C. 5319-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of William R. Stuart, R 166, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E. M. D.

18025.

P. 9

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D. 1752-1902.

March 20, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-A 30.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1885; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 31 of the act of June 28, 1898, (30 Stat., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see " Laws of the Cherokee Nation " published by the act of the National Council in 1892), provides:

" Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease ".

The Acting Commissioner of Indian Affairs March 31, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

P. L. Campbell.

Acting Secretary.

E.H.D.

1 inclosure.

Charlottesville-2-180.

Montague, Indian Territory, April 10, 1908.

Mr. William R. Stuart,

Adair, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of March, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLE
K. BRACKINRIDGE

ALISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

33
REFER IN REPLY TO THE FOLLOWING:
Cherokee-R-166.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of William R. Stuart, Cherokee No. R. 166, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,



Commissioner in Charge.

Cherokee-R-166

Muskogee, Indian Territory, July 28, 1902.

William R. Stuart,

Adair, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on September 16, 1885, to Mariam Stewart.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-113.

Cher R 167

Cher R 167

11-7
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 28 1900

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA' I.T., SEPTEMBER 28, 1900.

In the matter of the application of William H. Moore for enrollment of himself and wife as citizens of the Cherokee Nation, said Moore being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A William H. Moore.
Q Your age? A 23.
Q Your postoffice address? A Needmore.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q What degree of blood? A 1/8.
Q For whom do you apply for enrollment? A Myself and wife.
Q What is the name of your father? A Louis L.
Q Is he living? A Yes.
Q What is the name of your mother? A Elizabeth.
Q Is she living? A Yes.
Q What is the name of your wife? A Blanch.
Q Is she a citizen by blood? A No sir.
Q When did you marry her? A Last June.
Q Have you certificate of marriage? A Yes.
Q Have you any children? A No sir.

Applicant presents certificate of marriage certifying that he was married to one Miss Blanche Box, a non-citizen of the Cherokee Nation, in the State of Missouri on the 11th day of June, 1900.

Applicant on '80 roll, page 291, number 1840 as William Moore.

On '96 roll, page 506, number 2132, as Willie.

- Q How long have you lived in the Cherokee Nation? A All my life.

The name of William H. Moore appears upon the authenticated roll of '80 and the census roll of '96, upon the former roll as William Moore, and upon the latter roll as Willie Moore. Being duly identified according to page and number of said rolls, and making satisfactory proof of his residence, he will be enrolled by this Commission as a citizen of the Cherokee nation by blood.

He makes application for the enrollment of his wife, Blanche, averring that he was married to her in the month of June, 1900; he presents marriage certificate to that effect, she being a non-citizen. According to the laws of the Cherokee Nation providing that intermarried whites who married after December 16, 1895, acquire no rights whatever of Cherokee citizenship, the application for the enrollment of said Blanche will be refused and her name as an applicant will be rejected.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of September, 1900

Commissioner.

B

1117

COMMISSION TO THE PRESIDENT

RECEIVED

SEP 02 1900

[Signature]

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 22 1900

1900.

Date

Needmore

Name

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Blanche Moore

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Wife of William H. Moore

71101

8 207

MAR 1 1902

[Handwritten signature]
AT THE CHAIR

✓
1
COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Blanch Moore, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 167, it is entitled Blanch Moore, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 167.

(Copy)

CHEROKEE CASE No. R. 167

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ANDREW L. AYLESWORTH,
secretary.

Muskogee, Indian Territory February 14, 1902.

Blanche Moore,

Muskogee, C. T.

Dear Sir:

On the 24th day of September, 1902,

your husband, Willie W. Moore,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the Dawes Commission, shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that

you were

married on the **11th** day of **June,** 190**0**, to one **William H. Moore,**

your said husband,

a citizen by blood of the Cherokee Nation, ~~citizen by blood of the Cherokee Nation~~

~~that you are~~ **not**

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * *

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to... **you** same.

as soon as the commission is informed of the

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) ~~T. B. Needles~~

Inolousure.

Register.

~~Acting Commissioner.~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION, TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 14 1902, in the matter of the application
of Blanche L. L. L. for enrollment as citizen of the
Cherokee Nation*

Cherokee No 1111

Attorney for Cherokee Nation

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R-197.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

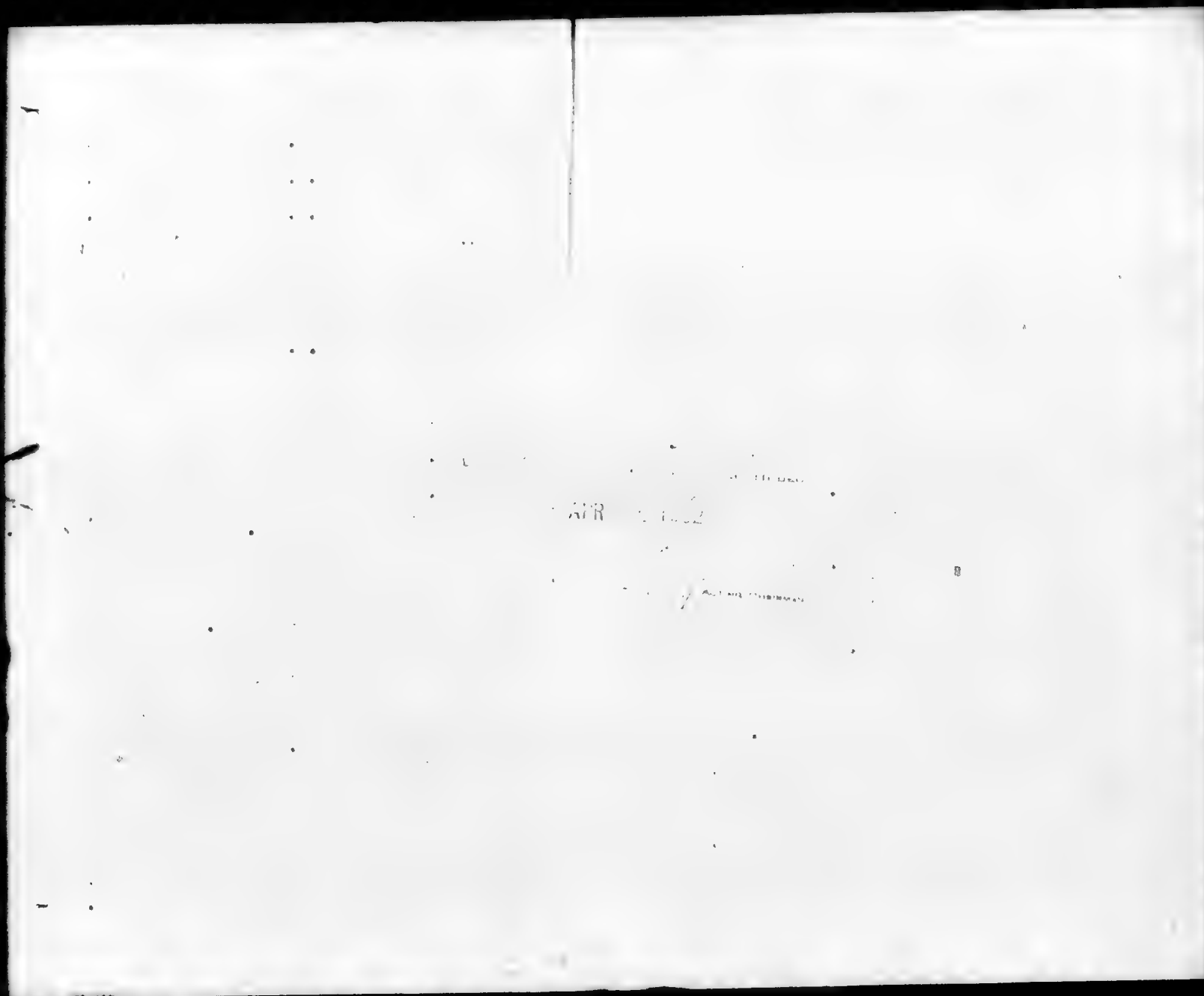
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John B. Gray, Cherokee No. R. 197, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge
Commissioner in Charge.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1850-1902.
D. C. 6244-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R. 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Blanche Moore, R 167, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.I.

100

100

L. R. S.

F.

J. I.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

1000

1000

1000

Cherokee R-167

Muskogee, Indian Territory, April 17, 1902.

Blanche Moore,

Needmore, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERRED IN REPLY TO THE FOLLOWING
Cherokee-R-167.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Blanche Moore, Cherokee No. R. 167, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 168

Cher R 168

a
P. 118
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900


ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 22, 1900.

In the matter of the application of Augustus B. Nichols for the enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Nichols being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Augustus B. Nichols.

Q Your age? A 40.

Q Your postoffice? A Vinita.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee nation? A Yes, by blood.

Q What degree of blood? A 1/16.

Q For whom do you apply for enrollment? A Myself, wife and children.

Q What is the name of your father? A William T.

Q Is he living? A No sir.

Q What is his mother's name? A Catherine.

Q Is she living? A No sir.

Q What is your wife's name? A Alice.

Q Is she a citizen? A No sir, non-citizen.

Q What was her name when you married her? A McFee.

Q When did you marry her? A '81.

Applicant presents certificate of marriage certifying that he was married on the 22nd day of December, '81 to one Alice McFee, a citizen of the United States.

Q Your wife's father and mother are non-citizens. A Yes.

Q Please give me the name of the eldest child at home? A Lucy M., 17 years old.

On '90 roll, page 225, number 3515.
Q Next? A Thomas W., 14 years old.

On '90 roll, page 225, number 3559, as Willie.
Q Next? A Claude D., 11 years old.

On '90 roll, page 225, number 3560, as Claudie.
Q Next? A Clifford C., 8 years old.

On '96 roll, page 225, number 3561, as Clifford.
Q Next? A Maudie I., 6 years old.

On '96 roll, page 225, number 3562, as Maudy.

Q Are these children alive and living with you now? A Yes.
The applicant presents certified copy under seal of the Cherokee Nation, of a Certificate of admission, certifying that on the 11th day of September '83 one A. B. Nichols was admitted as a Cherokee citizen, said certificate being signed by Thomas Tate, President of the Commission, Alex Wolf and T. F. Thompson, Commissioners, D. W. C. Duncan, Clerk., Are you the identical A. B. Nichols that is mentioned in this certificate of admission? A Yes.

Q How long have you been living in the Cherokee nation? A Since '82.
Continuously? A Yes.

Applicant on '90 roll, page 225, number 3557.

Applicant's wife on '90 roll, page 317, number 752.

The name of Augustus B. Nichols is found upon the census roll of '90 and he presents satisfactory proof of his admission to citizenship on the 11th day of September, '83, proof more particularly described in the testimony. He presents marriage certificate certifying that he was married to one Alice McFee, a white person, in the year '81. And the certificate of admission that he presents states that he original petition for citizenship was filed on the 27th day of January, '82, and the name of his wife Annie McFee is found upon the census roll of '90. The names of his children, Lucy M., Thomas W., Claude D., Clifford C., and Maudie I., are found upon the census roll of '90. Said Augustus B. Nichols and his said children, being fully identified according to page and number of the rolls as indicated in the testimony, they will be duly listed for enrollment by this Commission as

Cherokee citizens by blood.

Testimony showing that he was married to his wife, Alice McFee, before he became a recognized citizen of the Cherokee nation, the application for the enrollment of his wife will be refused.

By W. W. Hastings, Cherokee Attorney:

Q Where were you married? A In Dalton, Ga.

Q How long did you live there before you came to this country? A 10 or 12 days after I married.

Q How long did you live in Georgia immediately prior to your marriage? A Was born and raised there.

By the Commission:

Q Never lived in the Cherokee nation at all until '82? A No sir.

The record made herein and the judgment will be forwarded to the Secretary of the Interior when the final rolls of the Cherokee Nation are forwarded to him for approval.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. W. Hastings

Subscribed and sworn to before me this 28th day of September, 1900.

J. P. [Signature]

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Alice Nichols for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to R-168.

Appearances:

Lewis B. Hudson for Applicant.
J. C. Starr for Cherokee Nation.

LEWIS B. HUDSON, being duly sworn, testified as follows:

Examination by the Commission.

- Q. Give your name, age and post office? A. L. B. Hudson, Chelsea.
- Q. Are you acquainted with Alice Nichols, who is an applicant before this Commission for enrollment as an intermarried citizen? A. Yes, sir.
- Q. How long have you known her? A. About 11 years.
- Q. Is she a citizen by blood? A. No, sir.
- Q. Claiming by intermarriage? A. Yes, sir.
- Q. What is her husband's name? A. Gus Nichols.
- Q. Do you know about when they were married? A. No, sir; I do not.
- Q. Have they lived together as husband and wife since you have known them? A. Yes, sir.
- Q. Have they continued to live together as husband and wife up to the present time? A. Yes, sir.
- Q. Never been separated? A. No, sir.
- Q. Living together as husband and wife on the first of September, 1902, were they? A. Yes, sir.
- Q. How long has Alice Nichols lived in the Cherokee Nation to your knowledge? A. Well, sir; she has been here--Now I came to the Cherokee Nation the first time in '89 and she was still here; Alice Nichols was here at that time.
- Q. Has she been here since, in the nation? A. Yes, sir.

WILLIAM H. H. SCUDDER, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. William H. H. Scudder.
- Q. How old are you Mr. Scudder? A. 61 years old.
- Q. Are you a citizen by blood of the Cherokee Nation? A. I am, sir.
- Q. Are you acquainted with Alice Nichols, who is an applicant for enrollment as an intermarried citizen? A. I am.
- Q. How long have you known Alice Nichols? A. Known her since '92.
- Q. Is she a citizen by blood or intermarriage? A. She is intermarried.
- Q. What is her husband's name? A. A. N. Nichols; Gus B. Nichols.
- Q. Is he a citizen by blood? A. Yes, sir.
- Q. How long have you known him? A. I have known him from his boyhood.
- Q. Did you know him before he and Alice Nichols were married? A. Yes, sir.
- Q. Was he ever married prior to his marriage to Alice Nichols? A. He was not.

Q. Do you know whether she was married before? A. I do not; only from hearing. They said she wasn't. I never heard of her marrying.
Q. Do you know whether they have lived together as husband and wife?
A. They have since '92. I know of my own knowledge of their living as husband and wife since '92.
Q. And were living together as husband and wife on September 1st, 1902? A. Yes, sir.
Q. Never been separated since 1892? A. No, sir.
Q. Has Alice Nichols lived in the Cherokee Nation all the time since 1892? A. Yes, sir.

658
Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of October, 1902.

B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 17, 1902.

In the matter of the application of Charles W. Crittenden for the enrollment of himself and children, Katie A., James, Mary J. and Leroy Crittenden, as citizens by blood, and for the enrollment of his wife, Margaret Crittenden, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Charles W. Crittenden.
Q How old are you? A Forty years old.
Q What is your postoffice? A Bennett, Canadian District.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you been living in the Cherokee Nation? A I was born and raised in the Cherokee Nation, most of the time.
Q I was born in the Cherokee Nation and partly raised there.
Q You say you moved out of the Cherokee Nation? A We went south in '66 at the time peace was made and came back in '78, in the fall.
Q How long have you lived in the Cherokee Nation since '78? A Except three years I lived in the Choctaw Nation.
Q You lived in the Indian Territory ever since '78? A Yes sir.
Q Your name is not on the 1880 roll? A It is on the pay roll, but not on the census roll; I drew money that year; I didn't get back in time to get my name put on the census roll.
Q Where were you? A In the Choctaw Nation at that time.
Q What was your wife's name? A Margaret.
Q How old were you when you married her? A Yes sir.
Q How long were you married to her? A In '86.
Q Was your first wife? A Yes sir.
Q How long was your first husband? A No sir.
Q How often had she been married before you married her? A Once.
Q Was her first husband a white man, do you know? A Yes sir.
Q Was he dead before you married her? A Yes sir.
Q How long have you and your wife been living together in the Cherokee Nation since you have married in '86? A I married her in the Choctaw Nation at Savannah and we moved back home in '87.
Q How long have you been out since then? A No sir.
Q You lived in the Cherokee Nation ever since '87 in the Cherokee Nation? A Yes sir.
Q How long have you been separated? A No sir.
Q How long have you been living together now? A Yes sir.
Q How many children have you by your wife, Margaret? A Four.
Q Are they all living? A Yes sir.
J.C. [Signature]: What is the name of your wife's first husband? A John Moll.
Q Did she live with him until he died? A Yes sir.
Q When was she living when he died? A In the Choctaw Nation.
Q How far? A Seven miles from that coal mine, Savannah, west.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 19th day of November, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Alice Nichols as a citizen by intermarriage of the Cherokee Nation.

EXHIBIT C.

The record in this case shows that on September 22, 1900, Augustus A. Nichols appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of his wife, Alice Nichols, as a citizen by intermarriage of the Cherokee Nation. The other proceedings in the matter of said application were held at Vinita, Indian Territory, on October 1, 1900. The other parties to the application are differently classified and are not enrolled in this exhibit.

The record shows that the said Alice Nichols was lawfully married to Augustus A. Nichols, of Vinita, Indian Territory, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on September 11, 1900, as shown by an examination of the record of the said Nation at Vinita, Indian Territory. The said Augustus A. Nichols is the son of George A. Nichols, of the Cherokee Nation, and Nancy A. Nichols, of the Cherokee Nation. The said Alice Nichols is the daughter of George A. Nichols, of the Cherokee Nation, and Nancy A. Nichols, of the Cherokee Nation. The said Alice Nichols is the daughter of George A. Nichols, of the Cherokee Nation, and Nancy A. Nichols, of the Cherokee Nation.

The said Alice Nichols is the daughter of George A. Nichols, of the Cherokee Nation, and Nancy A. Nichols, of the Cherokee Nation. The said Alice Nichols is the daughter of George A. Nichols, of the Cherokee Nation, and Nancy A. Nichols, of the Cherokee Nation.

It is, therefore, the opinion of this Commission that Alice Nichols is entitled to citizenship in the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 25, 1900 (32 Stat., 281), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Augustus A. Nichols

Native Indian.

F. C. Nichols

Commissioner.

George A. Nichols

Commissioner.

At Vinita, Indian Territory,

MAR - 2 1903

COMMISSIONERS

TANS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-168

Muskogee, Indian Territory, March 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 2, 1903, granting the application of Augustus B. Nichols for the enrollment of his wife, Alice Nichols, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Chairman.

Enc. M-8197

CHEROKEE R 168

Department of the Interior.

Commission to the Five Civilized Tribes.

In the

CHEROKEE

the Lands

ALICE NICHOLS.

*Ca
to*

Allice Nichols - 5

R 168

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 169

Cher R 169

667
Department of the Interior.

Commission to the Five Civilized Tribes.

*In the Matter of the Allotment of the Lands
of the Choctaws and Chickasaws.*

OH EROKKEE

ISAAC B. HITCHCOCK

April 24, 1901. Cancelled by order
of Commissioner Breckinridge. All papers
transferred to Cherokee Jacket D 1184.

K 169

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 170

Cher R 170

0 170
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 8 1900

~~ACTING CHAIRMAN~~

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 24, 1900.

IN THE MATTER OF THE APPLICATION OF LEWIS BUDDER FOR THE ENROLLMENT OF HIMSELF AND WIFE AS CHEROKEE CITIZENS.

The said Lewis Budder, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Lewis Budder.
(Examination conducted through interpreter)
Q How old is he? A Thirty-six.
Q What is his post office? A Spavinaw.
Q What is his district? A Delaware.
Q Who is it you want to have put on the roll? A Himself and wife.
Q Are you a full blood Cherokee? A Yes, sir.
Q Is his wife a full blood Cherokee? A A white woman.
Q How long have you lived in the Cherokee Nation? A He has lived in the Cherokee Nation all his life.
Q Have you always lived in the Delaware District? A Yes, sir.
Q What is your father's name? A Just Budder, he says.
Q Is he dead or alive? A Dead.
Q How long since he died? A He died in 1885.
Q Give me your mother's name. A Rachel.
Q Cherokee or white woman? A Cherokee.
Q Dead or alive? A Dead.
Q How long since she died? A She died in 188 he says.
Q Give me your wife's name. A Ahle Budder.
Q How old is she? A Thirty.
Q When did you marry her? A They have been married about four years.
Q Have you got a certificate of your marriage? A Yes, sir.
THE COMMISSIONERS: The applicant files a certificate of his marriage to his wife, showing that they were married by the Judge of Saline District on January 17th, 1896. This paper is filed herewith
Q Your wife has lived with you ever since you were married, has she? A Yes, sir.

1880 Roll, page 223, No. 200. Lewis Budder, Delaware District
1896 Roll, page 445, No. 440, Lewis Budder, Delaware District.
1896 Roll, page 566, No. 56, Alice Budder, Delaware District.

THE COMMISSIONER: The applicant applies for the enrollment of himself and his wife. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. His wife is identified with him on the roll of 1896. He shows by his own testimony and the marriage certificate filed herewith that they were married in January, 1896, too late under the Cherokee law for her to acquire rights of citizenship. The application for enrollment of his said wife is rejected.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application and that the fore-

RECEIVED
OCT 8 1900
FBI
U.S. DEPT. OF JUSTICE

is a correct and complete transcript of his monographic
notes thereof.

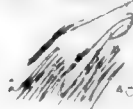
P. S. Allshead

Subscribed and sworn to before me this 24th day of October 1900.

C. M. Hines
Commissioner.

B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8170
FILED
SEP 24 1900



ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 24 1900.

Name Alta Budder

District 30 Year 1896 Page 566 No. 56

Citizen by blood no Mother's citizenship yes

Intermarried citizen yes

Married under what law Delaware Date of marriage 1896

License 30 Certificate Filed

Wife's name Alta Budder Sparrman S. D.

District DELAWARE Year 1896 Page 566 No. 56

Citizen by blood no Mother's citizenship yes

Intermarried citizen yes

Married under what law Delaware Date of marriage 1896

License 30 Certificate Filed SEP 24 1900

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Alta Budder
Cert. of marriage

Saline District C. N.

Judge Dist Ct.

(Signed) H. C. Ross.

and this the 17th Day of January A. D. 1896.
and Alia Guster in the holy bonds of matrimony. Given from under my
hand this the 17th Day of January A. D. 1896.
This is to certify that I have this day joined Lewis Biddings

This is to certify that I have this day joined Lewis Biddings and Alla Custer in the holy bonds of matrimony. Given from under my hand this the 17th Day of January A. D. 1896.

(Signed) H. C. Ross.

Judge Dist Ct.

Saline District C. N.

Recorded this the 17th day of January A. D. 1896.

(Signed) J. W. Ross,

Clerk Saline District,

Cherokee Nation.

(REAL)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T. July 25, 1902.


I, the undersigned, stenographer to the aboved named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Lewis Biddings for enrollment as a citizen of the Cherokee Nation.

Lancee S. Bötterfich.

D

R 170

FILED
MAR 1 1902



ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ahle Budder, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No..R. 170, it is entitled Ahle Budder, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. E. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 170.

copy.

COPY.

R 170

Muskogee, Indian Territory,

Mrs. Ahle Budder,

Spavinaw, Indian Territory.

Madam:

On the 24th day of September, 1900, your husband Lewis Budder, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by inter-marriage with the Cherokee Nation.

It appears from the testimony in this case that you were married on the 17th day of January, 1896, to your said husband, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Census Roll of 1898; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents

were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 359 to Sec. 369, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in per-

-4-

sons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (SIGNED).

T. B. Needles.

Commissioner in Charge

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Waskiee Indian Territory,

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes one copy of the Commission's letter of
notification of its decision rendered FEB 11 1902 in the matter of the application
of Willa Buddie for enrollment as citizen of the
Cherokee Nation*

Cherokee An

R. H. H.

Attorney for Cherokee Nation

10-1

NRB - 1002

10-10-1002

L. R. S.

P.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2055-1902.
D. C. 5988-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ahle Budder, R 170, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.I.

APR

1961

APR 1961

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

APR

1962

ACTING CHAIRMAN

Cherokee R-170.

Muskogee, Indian Territory, April 17, 1902.

Ahle Budder,

Spavinaw, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-170.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ahle Budder, Cherokee No. R. 170, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd, day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-170

Muskogee, Indian Territory, July 28, 1902.

Lewis Budder,

Spavinaw, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Alla Budder as a citizen of the Cherokee Nation, you filed with that application certificate, showing your marriage on January 17, 1896, to Alla Custer.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-114.

Cher R 171

Cher R 171

Q

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 25 1900

6
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 24th, 1900.

IN THE MATTER OF THE APPLICATION OF Minnie DonCarlos and children, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Minnie DonCarlos.
Q What is your age? A Twenty three.
Q What is your Postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q What is your husband's name? A Louis A. DonCarlos.
Q Is he living? A Yes sir.
Q For whom do you apply? A Myself and two children.
Q Are you living with your husband? A No sir; not just now; I am living with my mother.
Q Is your husband living? A Yes sir.
Q Do you desire to enroll him? A No sir.
Q What are the names of your children? A Luther Lee DonCarlos?
Q How old is he? A Two years old; born in March, 1897.
Q Are you parted? A Yes sir.
Q What is the name of the next one? A William R.
Q How old is he? A Born last February; seven months old.
Q Have you any certificate of marriage to your husband?
A Yes sir.

Applicant presents marriage license, and certificate, certifying that she was married according to the laws of the United States on the 2nd day of May, 1897.

(1880 Roll, Page 95, 1848, Louis DonCarloff, Cooweescoowee D'st)
Applicant presents affidavit of birth of her two children, Luther Lee and William R., they having been born after the rolls of 1896 were compiled; consequently their names do not appear there on.

By Mr. W. Hastings, Cherokee Representative:

- Q When did you separate? A Last May a year ago.
Q Have you seen him since that time? A Yes sir; I saw him two weeks ago today.
Q You separated the last day of May, 1899? A Yes sir.
Q This last child was born after you had separated? A Yes sir.
Q According to this; about six or eight months? A Yes sir.
Q After the separation? A Yes sir.
Q Where is the father of these children now? A Up at Coffeyville.
Q Where do you live? A About five miles ~~from Vinita~~ west of Vinita.
Q Do you live with your mother? A Yes sir.
Q Are these two children in your custody? A Yes sir.
Q Has there been any divorce between you and your husband?
A No sir.
Q Neither of you instituted divorce suit? A No sir.
Q What was the cause of this separation? A He whipped me once, and I went to my mother's.
Q Do you clothe and take care of these children? A Yes sir.
Q He does not provide for them? A No sir.

By the Commission:

The applicant presents a marriage license and certificate, certifying that she was married to one, Louis A. DonCarlos in 1897, and the name of Louis DonCarlos is found upon the authenticated rolls of 1880: Applicant avers that she has two children by said marriage, Luther Lee and William R., whose names do not appear upon the census rolls of 1896, they having been born after same were

compiled, and she presents satisfactory proof of the birth of the said children, they being duly identified as the children of the said Louis W. DonCarlos; they will be duly listed for enrollment by this Commission as Cherokee of blood by blood.

It appearing from the evidence submitted that she was married to the said Louis W. DonCarlos, a citizen by blood, in the year 1897, being the date under the provision of the Cherokee law, for intermarried citizens to acquire rights by intermarriage; she, being a white person, her application for the enrollment of her self will be rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Brown

Subscribed and sworn to before me
this 25th day of September, 1900.

C. M. Hume

COMMISSIONER.

B DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900

[Handwritten signature]

ARTHUR CHAPMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date. SEP 24 1900 1900.

Name

Vinita D J

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Minnie Don Carlos

District

Year

1896

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Wife of Lewis of Don Carlos, at present

Separated - married after Dec 15 1895

7.1.15.

MAH 1

[Signature]
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Minnie Don Carlos, refused by the Commission under the provisions of the Act of Congress approved June 28, 1888, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 171, it is entitled Minnie Don Carlos, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. D. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 171.

(COPY)

Cherokee No. R-171.

Muskogee, Indian Territory,

February 14, 1902.

Mrs. Minnie Don Carlos,

Vinita, Indian Territory.

Madam:-

On the 24th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. It appears from the testimony in this case that you were married on the 2nd day of May, 1897, to one Louis A. Don Carlos, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 26, 1896, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have

been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Tawney Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same,....."

The first section of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such inter married white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delaware or Shawnee blood, citizens of the Cherokee Nation, shall acquire by such marriage, no right of property, lands or money, belonging in common to the Cherokee people of Cherokee Nation, and Chapter III, Article XVI, Sections 250 to Sec. 255, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who do marry Cherokees

by blood, Delawareans, or Shawnees by blood who are recognized citizens. And all laws or parts of law conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~Tam~~ J. B. Needles.

~~Notary Public~~ man.

Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 14 1902

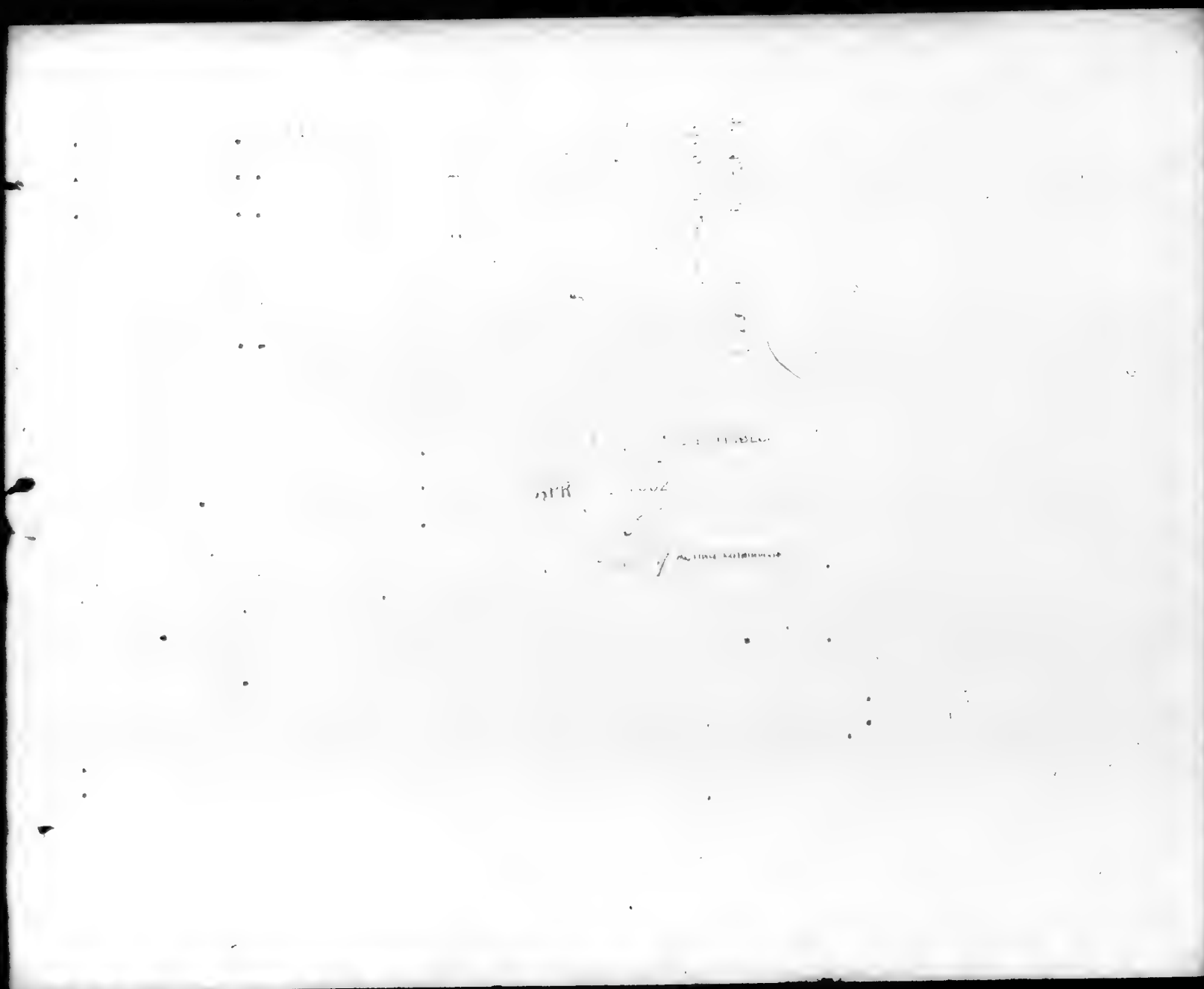
Waskar... ..

Received of the Commission to the Five Civilized Tribes one copy of the Commission's letter of
and a return of \$5 for same received FEB 1 1902 in the letter of the application

" Minnie Lou Barber as agent of the
Cherokee Nation

Cherokee Nation R177.

Waskar...
Attorney for Cherokee Nation



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1851-1902.
D. C. 6245-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Minnie Don Carlos, R 171, for enrollment in said nation, as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.J.

2410

AL 1010

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-171.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Minnie Don Carlos, Cherokee No. R 171, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

APR 12 1962

[Signature]
ACTING CHAIRMAN

Cherokee R-171

Muskogee, Indian Territory, April 17, 1902.

Minnie Don Carlos,

Vinita, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

Cher R 172

Cher R 172

a Ritz

COMMISSION TO THE FIVE
FILED
SEP 10 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Thomas H. Cooper for enrollment as a citizen of the Cherokee Nation, and he being sworn by Commissioner, T. M. Needles, testified as follows:

- Q What is your name? A Thomas H. Cooper.
Q What is your age? A Fifty.
Q What is your Post-office? A Coffee.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A No sir; only by marriage.
Q For whom do you apply? A Myself.
Q Who else? A No one else.
Q Just yourself? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation by inter-marriage? A Yes sir.
Q What is your wife's name? A Her name was Ford, Virginia Ford.
Q Is she living? A No sir.
Q What is her father's name? A I do not know.
Q What is her mother's name? A I do not know.
Q What is the age of your wife? A She was fifty six she claimed.
Q When did she die? A In 1897.

Applicant presents a certificate of marriage, and marriage license certifying that he married one, Virginia Ford, nee Parish, on the 2nd day of January, 1896, ~~marriage, as the laws of the Cherokee Nation~~

According to the laws of the Cherokee Nation, intermarried wives who marry citizens after the 16th day of December, 1895, are entitled to no rights of citizenship: Consequently, the application of the said Thomas H. Cooper for enrollment as an intermarried citizen is rejected.

The undersigned, being sworn, states that he has compared the testimony in procedure in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

T. M. Needles

Subscribed and sworn to before me
this 26th day of September, 1900.

C. A. Miller

NOTARIAL OFFICE.

B

P172

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 25 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date Chaffe SEP 25 1900 1900.

Name Shamus N. Cooper

District

Year 1896 Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen yes

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

78171

2

R172

COMMISSIONED

NOV 9 1901

Supl.C.-R. 172:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

In the matter of the enrollment of THOMAS H. COOPER, C.-R.#172,
as a Cherokee citizen the following proceedings were had:

APPEARANCES:

Mr. P. S. Davis, Attorney for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Mr. Davis: The applicant offers in evidence Section 5 of the amendments to Article 3 of the Cherokee Constitution, adopted in general convention of the Cherokee Nation held at Tahlequah on the 28th of November, 1866, found on pages 33 and 34 of the compiled laws of the Cherokee Nation of the edition of 1892.

Also Article 16 entitled "Intermarriage of Whit Men and Foreigners," Section 659 to 669 inclusive, pages 329 to 334 inclusive of the compiled laws of the Cherokee Nation of the edition of 1892.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 28th, 1901.



Commissioner

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

Before the Commission to the Five
Civilized Tribes, Muskogee, I.T.

Cherokee A. 172.

Mos. H. Cooper,

vs

Cherokee Nation.

AFFIDAVIT.

Mos. H. Cooper of lawful age, being first duly sworn according to law
of his own depose and states: My name is Mos. H. Cooper, I am
52 years of age. I reside at Spavilaw, I.T., and Spavilaw, I.T. is my
present post office address. I was the husband of Virginia Kaxkixak
Cooper Parrish. I married her on the 2nd day of Jan. 1898, and she
died on the 1st day of May, A.D. 1898, and was buried in the Virginia
Cemetery on the 1st day of May, 1898. Kaxkixak is a woman, living in
the past; and I have been hired from the Cherokee Nation for the purpose of making
her name to the Virginia Cemetery on the 1st day of May, 1898. I am the
applicant for this case. It is a legal proceeding for the purpose of making
a copy of the stenographic notes taken at the hearing on the 1st day of
May, 1897. She died on the 1st day of May, 1898.

Mos. H. Cooper

Subscribed and sworn to before me this 76th day of July, A.D. 1922

My Com. Ex. Feb. 18 1922

J. H. H. H. H.
NOTARY PUBLIC.

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

Before the Commission to the Five Civil-
ized Tribes, Muskogee, I.I.

Cherokee N. 172.

XXXXXXXXXXXXXXXXXXXX

Mos. VII. Cooper,

vs

Cherokee Nation.

AFFIDAVIT.

L. C. Couch of lawful age being first by me duly sworn according to law
of his oath deposes and says: My name is L. C. Couch, I am 44 years of
age, I reside in Vinita, I.I. I was engaged in the Livery business in
the year 1898 with W.B. Ralls and we had a house that we kept and hired
for us our friends. We used our house in May 1898 to bury Mrs. Virginia
Cooper, the wife of Mos. H. Cooper. She was buried in the Vinita Cemetery
on or about May 10th 1898 as well as I now remember. I am positive
she was buried in the month of May, 1898.

L. C. Couch

Subscribed and sworn to before me this 26th day of July A.D. 1907.
My Com. Ex. Feb. 18 1905.
Notary Public.

UNITED STATES OF AMERICA,
Indian Territory, } ss
Northern District.

Before the Court 1898 to the Five
Civilized Tribes, Muskogee, I. T.

Cherokee No. R. 172.

AFFIDAVIT.

Mos. H. Cooper

vs

The Cherokee Nation.

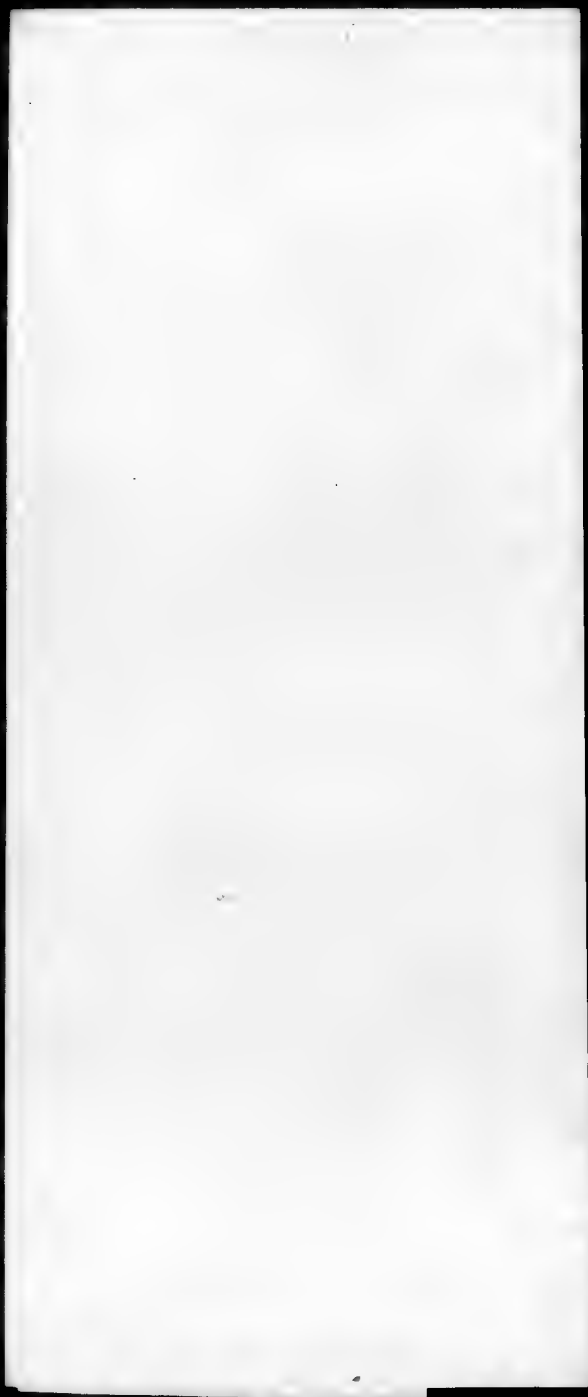
My name is J. B. Rains, I am 45 years of age, I reside in Vinita, I. T.
I know Mos. H. Cooper. I own a Livery and Feed Stable in Vinita and have
been in this business in Vinita, I. T. for a number of years. I was in
this business in the year 1898. I had a hearse and hired the same for
use in funerals. My hearse was used in burying the wife of Mos. H.
Cooper, Mrs. Virginia Cooper, in May 1898. She was buried in the Vinita
Cemetery on or about May the 6th. 1898, as well as I now remember. I at
that time was in the town of Vinita, I. T. in May 1898.

W. B. Rains

Subscribed and sworn to before me this 26th day of July, A. D. 1902.

My Comm. Exp. Feb. 18 1904.

W. B. Rains
NOTARY PUBLIC.



UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

Before the Commissioner to the Five
Civilized Tribes, Muskogee, I.T.

Cherokee No. 172.

AFFIDAVIT.

Mrs. H. Cooper,

vs

Cherokee Nation.

S. C. Parrish of lawful age being first by me duly sworn according to law on his oath deposes and states; My name is S. C. Parrish, I reside in Vinita, I.T. I am 32 years of age. I am the son of Virginia Cooper deceased, and Virginia Parrish. My father married Mrs. H. Cooper, on January, the 2nd. 1898 and died on the 4 day of May, A.D. 1898, and was buried on the 6th. day of May, 1898 in the Vinita Cemetery. I was present at her death and after her death and before her burial and at her burial and know of my own personal knowledge that she died on the 4th. day of May, 1898, and was buried on the 6th. day of May, 1898. Haines and Cohen, Livestock Dealers, buried her using their name.

S. C. Parrish

Subscribed and sworn to before me this 26 day of July A. D. 1902.

My Comm. Ex. Feb. 18 1905.

Notary Public
NOTARY PUBLIC.

10. 11. 1944

10. 11. 1944

10. 11. 1944

10. 11. 1944

MARRIAGE LICENSE.

CHEROKEE NATION Coo-wee-scoo-wee District

To any person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. T. H. Cooper, a citizen of the United States, and Mrs. Virginia Ford (nee Parrish), a citizen of the Cherokee Nation, and you are required to return this license to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this the 31st day of December, 1897.

(Signed) Wm H. Fry.

Clerk Coo-wee-scoo-wee District.

(SEAL)

Afton, Ind. Ter, _____ 189

I, A. R. Bogle, a minister of the gospel hereby certify that on the second day of January 1898 I joined in marriage Mr. T. H. Cooper and Mrs. Virginia Ford (nee Parrish) and publish the bans, and that my license was recorded at Muskogee, I. T. Book A. page 222.

Given under my hand on this the second day of January, 1898.

(Signed) A. R. Bogle.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 25, 1902.

I, the undersigned a stenographer to the above named Commission, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of T. H. Cooper as a citizen of the Cherokee Nation.

Fraunce S. Doty

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas H. Cooper for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on September 25, 1900, Thomas H. Cooper appeared before the Commission at Vinita, Indian Territory and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 25, 1901.

The evidence further shows that on January 2, 1898, the said Thomas H. Cooper was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Virginia Ford, nee Parish. The name of Virginia Parish is found upon the 1880 authenticated Cherokee tribal roll in the possession of the Commission.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Daves Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;—"




An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Cherokee E 172 -2

It is, therefore, the opinion of this Commission that the application for the enrollment of Thomas H. Cooper as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this SEP 20 1902

2/12

G.

23

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXIE,
THOMAS S. NEEDLES,
C. R. BRACKENRIDGE.

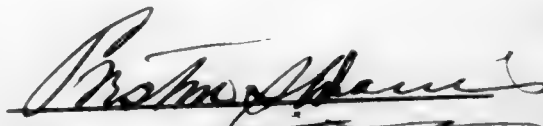
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 5th, 1901.

RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of September 25th, 1900, in the matter of the application of Thomas H. Cooper for enrollment as a citizen of the Cherokee Nation.



Attorney for Applicant.

Cherokee #R172.

DEPARTMENT OF THE INTERIOR,
BUREAU OF LANDS, WASHINGTON, D. C.

Muskogee, Indian Territory, January 29, 1902.

Mr. Thomas H. Cooper,

Chaffee, Indian Territory.

Dear Sir:

Upon an examination of the testimony had in the matter of your application to be enrolled as a citizen of the Cherokee Nation it appears that you have not filed with the Commission your marriage license authorizing your marriage to Virginia Ford, nee Parrish, on the 2nd day of January, 1898.

This you are requested to do at the earliest practicable date.

Please give this matter your prompt attention, as your case cannot be proceeded with until the Commission has been supplied with your marriage license and certificate.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee No. R. 172.

Register.

788
Muskegee, Indian Territory, February 15, 1902.

Mr. Thomas H. Cooper,
Chaffee, Indian Territory.

Sir:

Upon an examination had in the matter of the application of yourself to be enrolled as an intermarried citizen of the Cherokee Nation, it is found that you were married on the 2nd day of January, 1898, to one Virginia Ford, nee Parrish. It is further found from your testimony in this case, that you gave as the date of your wife's death, 1897.

You are requested to forward to the Commission as soon as possible, proof of her death, together with the date.

Please give this your prompt attention, as the information desired is essential to a speedy disposition of your case.

Yours truly,

Commissioner.

In answering refer to
Cherokee No. R 172.

Register.

Cherokee R-172

Muskogee, Indian Territory, July 28, 1902.

Thomas H. Cooper,

Chaffee, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate, showing your marriage on January 2, 1898, to Mrs. Virginia Ferd, nee, Parrish.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-115.

Cherokee R 172.

Muskogee, Indian Territory, September 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Thomas H. Cooper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated September 20, 1902, rejecting said application.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. C. No. 53.

94

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 172.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

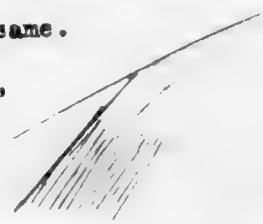
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Thomas H. Cooper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Enc. C. No. 52.

Cherokee R 172.

Muskogee, Indian Territory, September 22, 1902.

Preston S. Davis,

Attorney for Thomas H. Cooper,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting the application of Thomas H. Cooper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 51.

Register.

COPY.

Cherokee R 172.

Muskogee, Indian Territory, September 22, 1902.

Thomas H. Cooper,
Spavinaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, Preston S. Davis, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 50.

Register.

C O P Y.

Refer in reply to
the following:
Land.
57701-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, Oct. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made September 22, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Thomas H. Cooper for enrollment as an inter-married citizen of the Cherokee Nation.

Applicant was married January 2, 1898 to Virginia Ford, a Cherokee citizen by blood, under the laws of the Cherokee Nation.

The Commission declined to place his name on the Cherokee roll because he was married subsequent to December 16, 1895.

It is respectfully recommended that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 19767-1902.

EAF.

ITD. 6141-1902.

Department of the Interior,

Washington, October 22, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 6, 1902, the Acting Commissioner of Indian Affairs forwarded your letter of September 22 and the record in the matter of the application for enrollment of Thomas H. Cooper as an intermarried citizen of the Cherokee Nation, and recommended that your decision of September 20, 1902, be approved.

The evidence shows that applicant on January 2, 1898, was married under Cherokee law to Virginia Parish whose name is on the 1880 authenticated Cherokee roll. The marriage having occurred subsequent to the Cherokee act of December 16, 1895, which is quoted in your decision, you denied the application.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

E.M.D.

1 inclosure.

ORV

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 172.

Muskogee, Indian Territory, November 11, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Thomas H. Cooper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,



Acting Chairman.

COP

Cherokee N 172.

Muskogee, Indian Territory, November 11, 1902.

Preston S. Davis,

Attorney for Thomas H. Cooper,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting the application of Thomas H. Cooper for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

Stacy
Acting Chairman.

COPY

Cherokee R 172.

Muskogee, Indian Territory, November 11, 1902.

Thomas H. Cooper,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, of date September 20, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 22, 1902.

Respectfully,

James D. Doby

Acting Chairman.

Cher R 173

Cher R 173

89173

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 25 1900



ACTING CHAIRMAN

REJECTED AS TO HUSBAND BIRCH C. BURNETT.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 25, 1900.

In the matter of the application of Ethel Pearl Burnett for the enrollment of herself and husband as Cherokee citizens; being sworn and examined by Commissioner Hedges who testified as follows:

Q What is your name? A Ethel Pearl Burnett.
Q What is your age? A 20
Q What is your post-office? A White Oak, I.T.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes sir.
Q What is the name of your father? A Arch P. Goodykoontz.
Q What is the name of your mother? A Anna A. Goodykoontz.
Q Are you married? A Yes sir.
Q To whom, and by what name? A Myself.
A And by what name? A My husband.
Q When were you married to your husband? A April 25 1900.
Q What is his name? A Birch C. Burnett.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long did Ethel Goodykoontz Cooweescoowee live?
A All her life, she was born in 1880 at 1225 Anna Goodykoontz, Cooweescoowee District.

Commissioner Hedges then asked Ethel P. Burnett to appear upon the census roll of 1900. Ethel Goodykoontz her maiden name; she avers that she has no entry in the year 1900 to Birch C. Burnett and that she has no satisfactory proof as to her residence, and she is only identified as the daughter of Anna Goodykoontz, whose name appears upon the Cherokee roll of 1890; consequently the said Ethel P. Burnett will be duly listed for enrollment by this Commission as Cherokee citizen by blood. She avers that she was married to Birch C. Burnett in the present year, 1900; the laws of the Cherokee Nation provide that intermarriage between whites and citizens of the Cherokee Nation after December 16, 1895 shall acquire no rights of citizenship, consequently the application for the enrollment of her husband, Birch C. Burnett, will be rejected.

Commissioner Hedges then stated that he had referred to the rolls of the Five Civilized Tribes and had recorded the same in his case and that he was enclosing a true and complete transcript of his sworn and noted thereof.

M. D. Green

Witness my hand and seal this 25th day of September 1900.

[Signature]

Commissioner.

B

19173

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date White Oak, D.C. 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Rich C. Burnett

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Rich C. Burnett Year 1898 Page 1 No. 1 Age 1

Dist. Year Page No. Age

Dist. Rich C. Burnett Year 1898 Page 1 No. 1 Age 1

Dist. Year Page No. Age

Dist. Rich C. Burnett Year 1898 Page 1 No. 1 Age 1

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Witness of Rich C. Burnett

7/1/00

9

R. 173.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Birch C. Burnett, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and seventy-three, it is entitled Birch C. Burnett, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-173.

THE UNITED STATES
OF AMERICA
RECEIVED
JAN 20 1955

Cherokee R-173

Muskogee, Indian Territory, January 28, 1902

Mr. Birch C. Burnett,

White Oak, Indian Territory.

Sir:-

On the 25th day of September, 1900, your wife, Ethel Pearl Burnett, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1900, (31 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said roll the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1896. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 16, article 16, sections 619 to sec. 625, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 20th day of April, 1900, to one Ethel Pearl Gooch-Krontz, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1900, and that you base

your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission has been informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tama Bixby.
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 26, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 8, 1896, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-4-

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1896, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

947
J

273 inclosures.

1899.
I. S. R. 800-1899.
R. S. 800.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

YOUR decision of January 23, 1902, rejecting the application of Birch G. Burnett, case R. 173, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 173.

Waskagee, Indian Territory, March 14, 1903.

Birch G. Burnett,

White Oak, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1903, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1903.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-173

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Birch C. Burnett, Cherokee No. R. 173, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 174

Cher R 174

A R 174

COMM-SS

8

SEP 20 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 25th, 1900.

IN THE MATTER OF THE APPLICATION OF Fred L. Montgomery, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. B. McKinridge, testified as follows:

Q What is your full name? A Fred L. Montgomery.
Q How old are you? A Twenty three.
Q What is your Post Office? A Centralia.
Q What is your District? A Cowasawcoos.
Q For whom do you apply? A My wife and children and myself.
Q How many children? A Two.
Q Do you apply as a Cherokee or white man? A White man.
Q Your wife is a Cherokee? A Yes sir.
Q What portion has she? A Her mother is one fourth I think.
Q Have you any marriage license and certificate? A Yes sir.
Q The applicant presents a duly authenticated Cherokee license, issued by the Clerk of Delaware District, August 3rd, 1897, authorizing his marriage to Miss Clara Preston, a Cherokee citizen; and the certificate shows that they were married in accordance with said license on August 5th, of the same year, by the Reverend J. M. Korman. This document is filed herewith.
Q You and your wife have lived together ever since your marriage? A Yes sir.
Q Your wife's name is Clara? A Yes sir.
Q How old is she? A She is twenty two, born in 1879.
Q Give me her father's name? A C. P. Preston.
Q Dead or living? A He is living.
Q Her mother's given name? A Mattie L.
Q Dead or living? A Living.
Q What district was your wife in in 1890? A Delaware I think.
Q Cowasawcoos in 1890? A No sir; Delaware.
Q Give me the names of your children, please? A Silvia Viola.
Q How old is that child? A Born July 9th, 1896.
Q Next child please? A Frederick Over.
Q How old? A Born February, 1900.
Q Is your wife a native Cherokee? A Yes sir.
Q Has she all her life? A Yes sir.
(1890 Roll, Page 301, Clara Preston, Delaware District)
(1896 Roll, Page 515, Clara Preston, Delaware District)

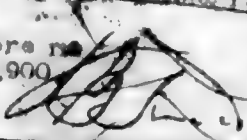
The applicant applies for the enrollment of himself, his wife and two children: His wife is identified on the rolls of 1890 and 1896, as a native Cherokee; she has lived in the Cherokee Nation all her life: Her change of name is established by the marriage license filed herewith; and she will now be enrolled as a Cherokee by blood.

When the Commission is supplied with proper certificates of the birth of their two children, Silvia Viola and Frederick Over, they also will be duly enrolled as Cherokee citizens by blood.

For the applicant himself, he is sworn by the license and certificate filed herewith to have been married in accordance with Cherokee law in August, 1897, too late for him to acquire the right of enrollment as a Cherokee citizen, under the Cherokee law of 1895: Therefore, the application for his own enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me
this 25th day of September, 1900

 C. B. McKinridge
COMMISSIONER

POOR ORIGINAL -
BEST AVAILABLE COPY

B
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 25 1907

ACTA

GOOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

23 Name Fred L. Montgomery, Centralist Date SEP 25, 1900 1900.

District

Citizen by blood

No.

Mother's citizenship

Intermarried citizen

Yes

Married under what law

Date of marriage

Aug, 1897

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

71774

20

R174

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.

REPORT OF THE COMMISSIONER OF PLANT INDUSTRY
FOR THE YEAR 1901

THE COMMISSIONER OF PLANT INDUSTRY
WASHINGTON, D. C.

REPORT OF THE COMMISSIONER OF PLANT INDUSTRY
FOR THE YEAR 1901

NOV 9 1901

REPORT OF THE COMMISSIONER OF PLANT INDUSTRY
FOR THE YEAR 1901

JOHN A. CHAPMAN

JOHN A. CHAPMAN

Supl.C.-R.#174.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 26th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for
the enrollment of Fred L. Montgomery, as a Cherokee citizen:

APPEARANCES:

Mr. F. S. Davis, Attorney for applicant;
Mr. W.W. Hastings, for Cherokee Nation.

Mr. Davis: The applicant offers in evidence Section 5 of
amendments to Article 3 of the Cherokee Constitution, approved
in general convention of the Cherokee Nation at Tahlequah on
the 28th of November, 1866, as found on pages 33 and 34 of
the compiled laws of the Cherokee Nation, edition of 1892.

Also Article 16, entitled "Intermarriage of White Men and
Foreigners," Section 659 to 669 inclusive, pages 329 to 334
inclusive, of the compiled laws of the Cherokee Nation, edition
of 1892.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
 foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 26th, 1901.

[Signature]


Commissioner.

10370

807-39

R174

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
10 1901


ACTING CHIEF

COMMISSIONERS:

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

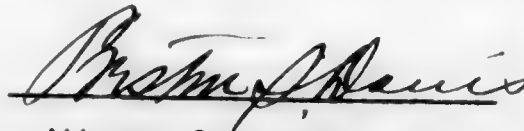
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 5th, 1901.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony of September 25th, 1900, in
the matter of the application of Fred L. Montgomery for enrollment
as a citizen of the Cherokee Nation.


Attorney for Applicant.

Cherokee #R174.

7

P 1111

MAR 1

[Signature]
ACTING CHAIRMAN

(COPY)

H 174

Mustogee, Indian Territory, February 14, 1902.

Mr. Fred L. Montague,
Centralia, Indian Territory.

Sir:

On the 24th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 8th day of August, 1897, to one Clara Preston, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stat., 498):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other

persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawfully right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1898. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delaware or Shawnee by blood, Citizens of the Cherokee Nation, shall acquire, by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this

Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delaware or Shawnee by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

Enclosure

Register

~~Acting Chairman~~

~~Commissioner in Charge~~

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Language.

FEB 1 1967

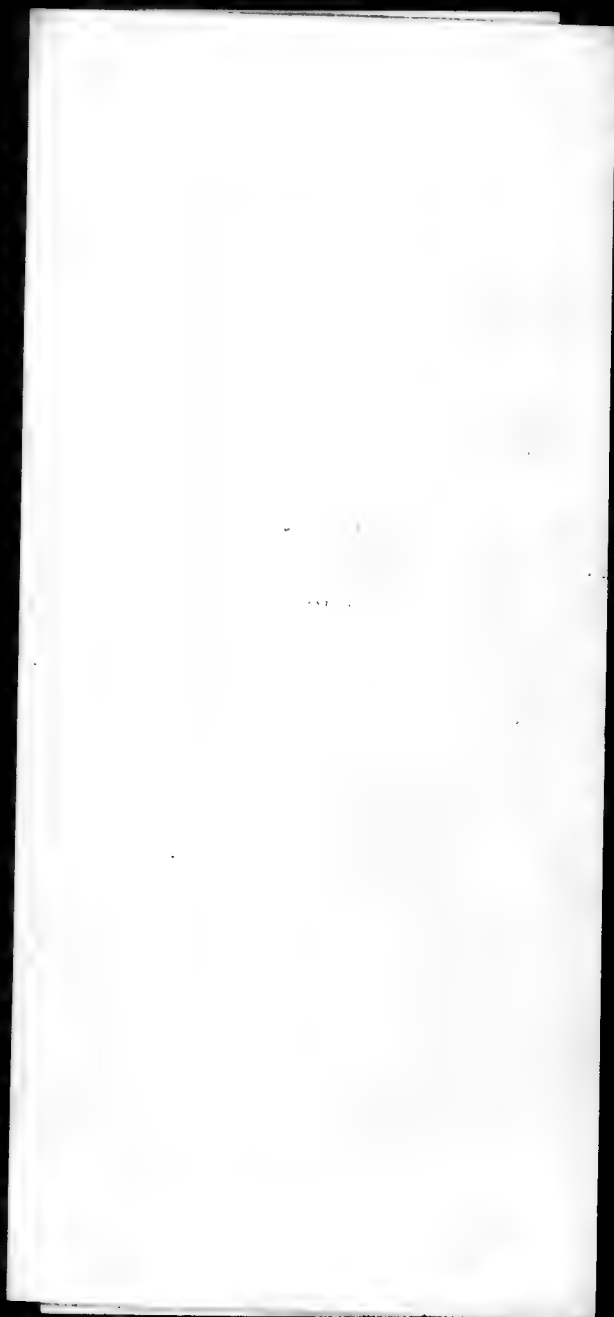
forwarded of the Commission to the Free United Irish, one copy of the Commission's letter of notification of its decision rendered FEB 1 1901 in the matter of the application of Fred H. Montroserv for enrolment as a citizen of the Cherokee Nation.

Cherokee, N.

R. 174.

Chas. H. S. Co. & Co.
1001

Anthony John Chirokoo Vinton



L. R. S.

F.

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2056-1902.

April 3, 1902.

D. C. 6246-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

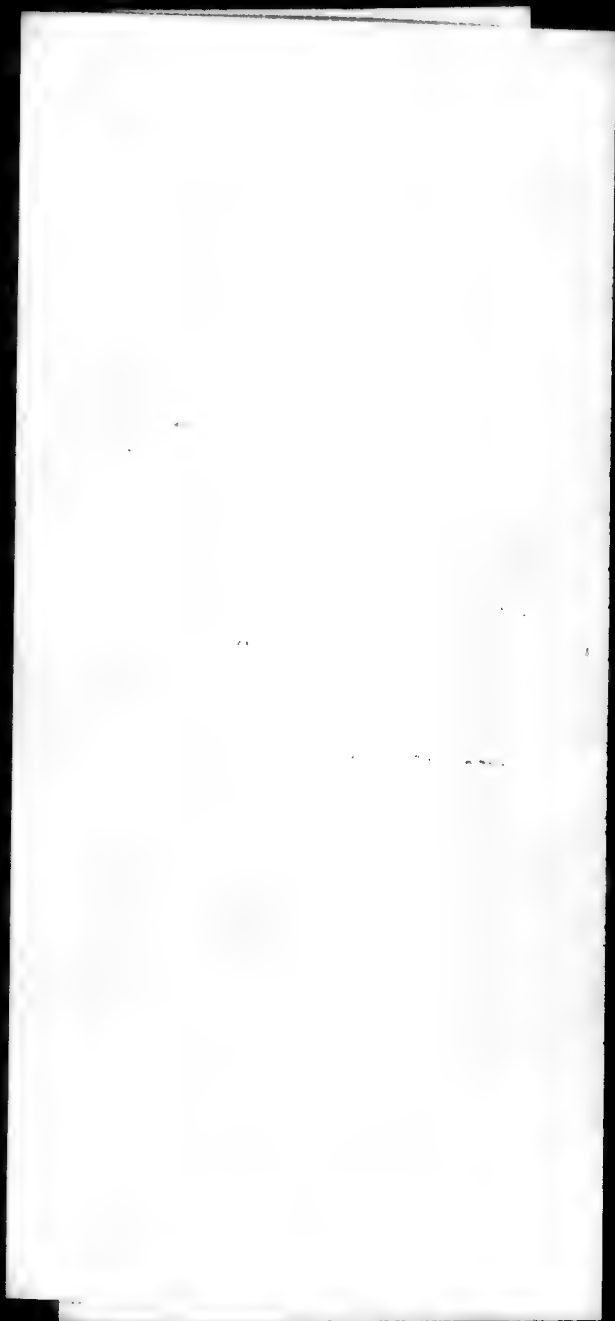
Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Fred L. Montgomery, R 174, for enrollment as an intermarried citizen of the said Nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

R174

MISSION TO THE FINE CIVILIZED
FIELD
MAR 10 1902

[Handwritten signature]
ACTING CHIEF

COPY.

Muskogee, Indian Territory, February 14, 1902.

Mr. Preston S. Davis,
Attorney at Law,
Vinita, Indian Territory.

Sir:

Enclosed herewith please find a copy of the Commission's letter of notification of its decision rendered February 14, 1902, in the matter of the application of Fred L. Montgomery for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

The record of the proceedings had in the matter of the application of the said Fred L. Montgomery has this day been transmitted to the Secretary of the Interior for his review and decision. When this Commission is notified of the action taken by the Secretary of the Interior you will be duly informed of the same.

Very respectfully,

(SIGN) *T. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Encl. C-R. 174.

Register.



Cherokee R-174

Muskogee, Indian Territory, April 17, 1902.

Mr. Fred L. Montgomery,

Centralia, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

R174

Cherokee R-174

Muskogee, Indian Territory, April 17, 1902.

Preston S. Davis, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Fred L. Montgomery, Cherokee R-174, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of April 3, 1902.

Very respectfully,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-174.

ADDRESS ONLY OF
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 17, 1902.

W.W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Fred L. Montgomery, Cherokee No. R 174, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 175

Cher R 175

U

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 25, 1900.

In the matter of the application of James Donnelly for the enrollment of himself and children as Cherokees by blood and his wife as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A James Donnelly.
Q What is your age? A 29 years old.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A 1/16.
Q For whom do you apply for enrollment? A Myself, wife and her children.
Q What is the name of your father? A Henry Donnelly.
Q The name of your mother? A Maria Donnelly.
Q She living? A Yes, sir.
Q What is the name of your wife? A Bertha.
Q She a citizen by blood? A No, sir.
Q What was her name before you married her? A Clausen.
Q When did you marry her? A January, 1896.
Q Have you a certificate of marriage?
(Applicant presents a certificate of marriage certifying that he was married on the 17th day of January, 1896, to one Bertha Clausen, a white person, according to the laws of the Cherokee Nation.)
Q What is her age? A Twenty.
Q Is she living now? A Yes, sir.
Q Her father and mother non citizens? A Yes, sir.
Q What are the names of your children? A Mattie Agnes is the oldest one, 4 years old.
Q What is the name of the next one? A James O., a year old.
Q The name of the next one? A That is all.
Q Have you not proof of birth as to this youngest child?
A (Applicant presents a satisfactory proof of birth as to his youngest child, James O., who does not appear upon the roll of 1896.)
(James Donnelly on 1890 roll, page 95, No. 940, James Donnelly, Cooweescoowee district; on 1896 roll, page 143, No. 1453, James Donnelly, Cooweescoowee district. Bertha Donnelly on 1896 roll, page 301, No. 289, Bertha Donnelly, Cooweescoowee district.)
Q The oldest child is not on the roll of 1896, you will have to have proof of birth as to it. Are these children alive and living with you? A Yes, sir.
Q Have you always lived in the Cherokee Nation yourself and your wife also? A Yes, sir.

The name of James Donnelly appears upon the authenticated roll of 1890, as well as the census roll of 1896. He avers that he was married to one Bertha Clausen, a non citizen, January, 1896, and he presents satisfactory proof of marriage to her. He avers that he has two children, Mattie A. and James O., and makes satisfactory proof of the birth of the youngest, James O. The name of the oldest, Mattie A., does not appear upon the roll of 1896, and no proof of birth is filed. They all being duly identified according to the page and number of the roll as indicated in the testimony and having made satisfactory proof as to their residence, said James Donnelly and his children as enumerated in the testimony will be duly listed for enrollment by this Commission as Cherokee citizens by blood. In order to complete the enrollment of Mattie A., it will be necessary to file with this Commission satisfactory proof of its birth.

It appears from the testimony that said applicant married his

From: Secretary - I.

Notice provided that all marriages after December 31, 1900, shall be invalid as to the contracting parties when the parties are intermarried, consequently, the application for the amendment of the said Martha Bennett will be rejected.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this 25th of September, 1900.

[Signature]
Special Agent.

12

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVIL TRIBES

FILED
SEP 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date Feb 25 1900.

Name

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

COOWEESCOOWEE,

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

71175



COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Bertha Donnelly, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 175, it is entitled Bertha Donnelly, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R, 175.

(COPY)

(41)

CHEROKEE CASE No. R. 178

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Bertina Donnelly,

Coffeyville, Kansas.

Dear Madam:

On the 25th day of September, 1902,

your husband, James Donnelly,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1868 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

YOU WERE

your said husband.

a citizen by blood of the Cherokee Nation, ~~and~~

~~XXXXXXXXXXXXXXXXXXXX~~ that you are

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * * *

In view of the law and testimony in this case the application for the enrollment of

yourself

as an intermarried citizen of the Cherokee Nation has

this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~Wm. Bixby~~, *T. B. Needles.*

A ~~_____~~

Inclosure.

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory

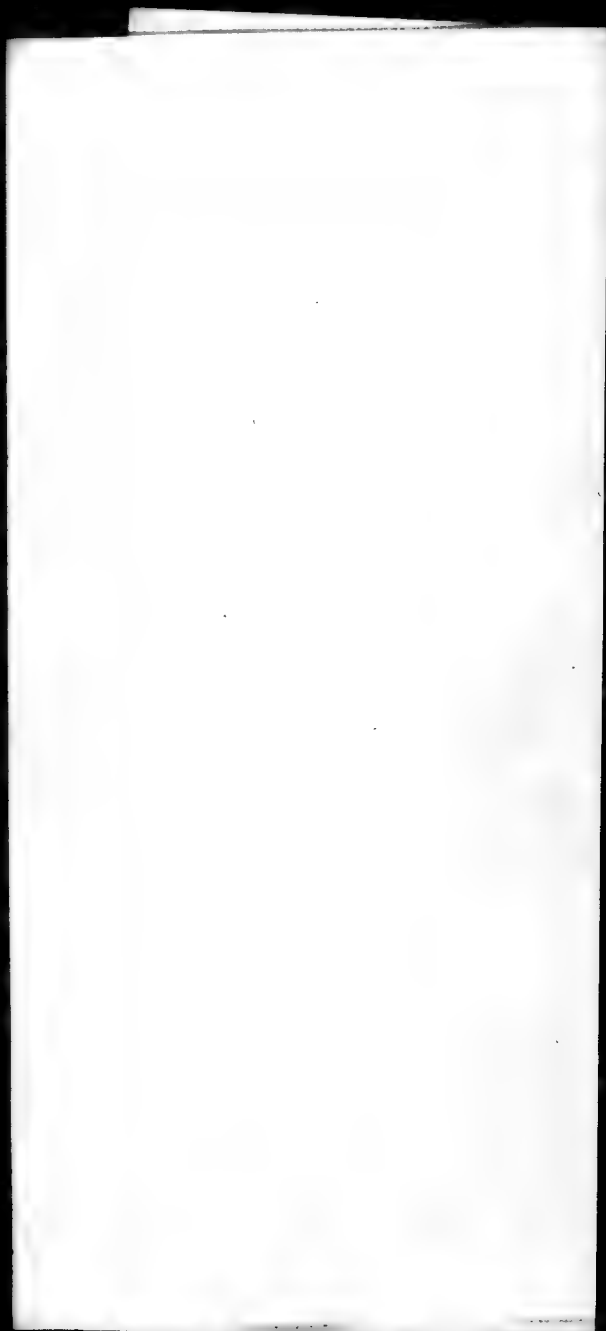
FEB 14 1902

Received of the Commissioner to the Five Civilized Tribes, in copy of the Commissioner's letter of
not portion of the decision rendered
of *Bertha L. L. L.* in the matter of the application
of *Bertha L. L. L.* for citizenship as a member of the
Cherokee Nation

Cherokee No

R 175

A. L. L.
Attorney for Cherokee Nation



DC. No. 5953

Department of the Interior,
Washington.

0
T T.P.

I.T.D. 2057-1902

April 3, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

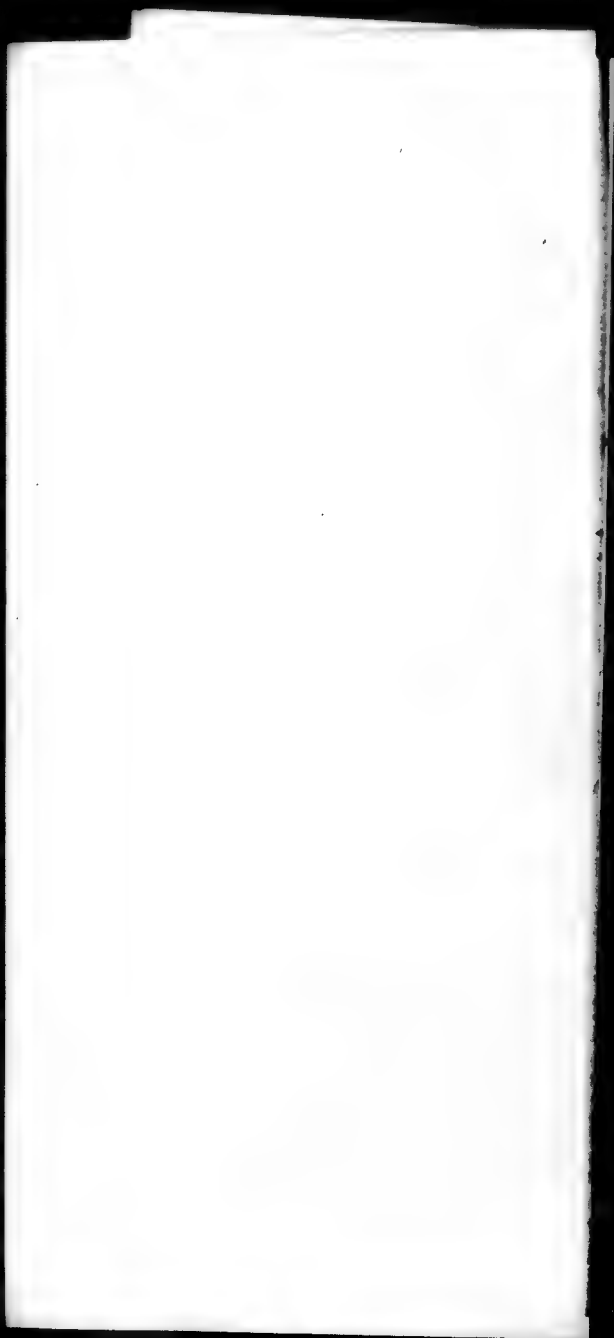
Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Bertha Donnelly, R 175, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary

D.L.



L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Cherokee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, # 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



Cherokee R-175

Muskogee, Indian Territory, April 17, 1902.

Bertha Donnelly,

Coffeyville, Kansas,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS MIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-175.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Bertha Donnelly, Cherokee No. R. 175, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

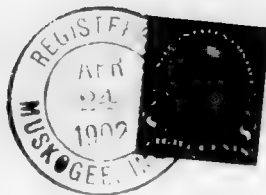
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



6692

Bertha Connelly
Cliffville
Illinois



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Bertha Donnelly,

Coffeyville,

Kansas.

2530

Department of the Interior.

Cher R 176

Cher R 176

Q

9176

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

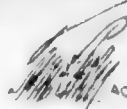
FILED

SEP 24 1900

[Handwritten signature]

13
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1900


ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

A) -

Name

George W. Gibney

Date

SEP 25 1900

1900.

District

DELAWARE.

Year

1880

Page

261

No.

1126

Citizen by blood

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

License

Certificate

Wife's name

Reflected in

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

11/21/80 call 22 George Gibney

72176



COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George W. Gibbney, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 176, it is entitled George W. Gibbney, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. B. Needles.

~~Acting Chairman.~~

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Encl. C-R. 176.

(COPY)

176

Muskogee, Indian Territory, February 14, 1902.

Mr. George W. Gibbey,

Vinita, Indian Territory.

Sir:

On the 25th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1874 to one Josephine Clarke, a citizen by blood of the Cherokee Nation. It further appears that said Josephine Clarke died in 1881; that you are identified on the authenticated Cherokee roll of 1880, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1896 (30 Stat., 495):

*That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freemen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have

have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; X X X X X"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is then restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It further appears from the testimony that you were subsequently married in 1881 to a white woman.

The rights of citizenship that you acquired by your marriage to Josephine Clark were forfeited by your subsequent marriage to a white woman.

The Cherokee law applicable in this case is as follows:

Section 644: "Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such

surviving widow or widower shall continue to enjoy the rights of citizenship unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the law and testimony in this case the application of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

TRANSMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) ~~Thomas S. Sledge~~ T. B. Needles.

~~Assistant Chairman.~~

Commissioner in Charge.

Enclosure

Register

Copy.

There is reply to the following:

1870-1902.
1870-1902.
1870-1902.
1870-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 21, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Referring to office report of even date transmitting the record relative to 129 applicants for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 27 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the record in each case with a separate report and said reports are also transmitted, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
39	Adeline Abel	43	Alfred B. T. Stewart
43	Martha A. Hunter	46	Edward E. Kampa
47	Evel Hall	52	Anna Nelson
56	Burford L. Sumnerhill	58	David Goff
64	Andrew J. Jeremiah	66	Joseph H. Boyd
67	Charles G. Barnett	72	Henry Walters
84	William A. Hall	103	Ellen West
111	Missouri Williams	115	Daniel A. LaBerge
129	George B. Tall	131	Lula Roberts
140	Robert Klean, Sr.	150	James T. Skinner

Number	Name	Number	Name.
158	George H. Warren	160	William R. Stuart
172	George T. Gibbney	240	Frank Gordon
246	John Hunt	251	John F. Rice
264	Elmer W. Parsons	262	Richard B. Cunningham
264	Lambert T. Kirkhead	270	Ben Hall
272	Elizabeth Hall	293	William D. Wallace, Jr.
324	Silas T. Busby	357	Canada Youngblood
360	Edith Evans	403	Joseph A. Prather
425	Emily O. Hensley	438	Mary A. Jones
450	John W. Stevenson	458	Frank W. Garrison
467	Samuel W. Carpenter	475	Lillie Hood
485	Ed Gwartney	502	William J. Harding
544	Samuel L. Swanton	509	Mary C. Armstrong
622	Malinda Latham		

Section 21 of the Act of June 20, 1898, (30 Stat., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll.

and that, as such, as now been placed therein by record or without record, of law, according only such as may have lawful rights therein, and their descendants born since such rolls were made, with such, and such as may be entitled to citizenship under Cherokee laws.

Section 304 of the Cherokee laws is as follows:

Sec. 304. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), losing the rights of Cherokee citizenship by blood; in that case, all or his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith.

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have since subsequent to the death of said citizen husband or wife married citizens of the United States.

The Daves Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tomner,

Acting Commissioner.

G. A. E. (H.)

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

1771-1772

L.R.S.

18089.

P.

J.P.

Department of the Interior.

Washington,

March 26, 1902.

I. T. D. 1781-1902.
D. O. 5343-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of George W. Gibbney, R 176, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.
F.L.D.

1888.

1.

DEPARTMENT OF THE INTERIOR.

Washington.

1. 7. 2. 1888-1889.

March 20, 1888.

Commissioner of the Five Civilized Tribes.

Washburne, I. T.

Gentlemen:

February 14, 1888, was transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by Inter-marriage P. 59.

It appears that the applicant's name is on the 1880 enumerated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1852; that she married a non-Cherokee at the Cherokee Nation in 1864, and this husband having died, she married in 1881 another non-Cherokee.

Referring to the provisions of section 31 of the act of June 26, 1856, (30 Stat., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see "Laws of the Cherokee Nation" published by the Act of the National Council in 1852), provides:

"Sec. 303. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and he leave a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The Acting Commissioner of Indian Affairs March 21, 1902,
transmitting the case with others, recommended that your decision
be concurred in.

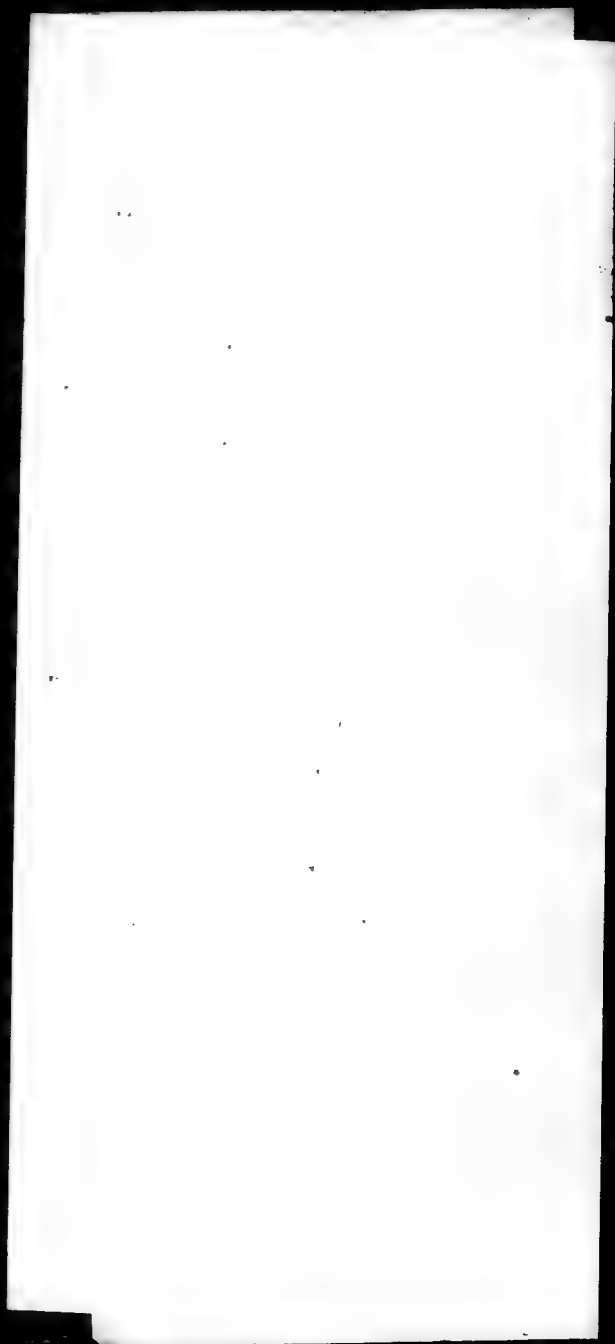
The claimant, as held by you, by virtue of the Cherokee law,
forfeited her rights to enrollment as a Cherokee citizen by inter-
marriage after the death of her Cherokee husband, with a person not
a citizen of the Cherokee Nation, and your decision is affirmed.
A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell.

Acting Secretary.
F.L.C.

1 inclosure.



Washoe, Indian Territory, April 10, 1902.

Mr. George, W. Gibney,

Winita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of March, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-176.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George W. Gibbney, Cherokee No. R 176, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,



Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory.

FEB 14 1891

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered*

of **George W. Gibbney**
Cherokee Nation

FEB 14 1891 in the matter of the application
for enrollment as **a** citizen of the

Cherokee Nation

R. 176.

W. W. Hargrave
Attorney for Cherokee Nation.

Cher R 11

Cher R 11

a

R177

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 28 1900

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 25, 1900.

In the matter of the application of Joseph W. Davis for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Davis being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joseph W. Davis.
Q What is your age? A 30.
Q Your post office address? A Adair.
Q What district do you live in? A Coconawawee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One-sixteenth.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Hattie A.
Q When did you marry her? A 29 years ago.
Q Is she a Cherokee citizen by blood? A No, sir.
Q White woman? A White woman.
Q Is your name on the 1880 roll? A No, sir.
Q You present a certificate of admission from the Executive Department of the Cherokee Nation at Tahlequah, December 8, 1895, signed by W. H. Hayes, Asst. Executive Secretary, under the seal of the Nation, certifying that on the 7th day of December, 1887, among others one J. W. Davis was admitted to citizenship; are you the identical J. W. Davis mentioned in this certificate? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1892.
Q Have you any certificate of marriage? A No, sir.
Q You were admitted in December, 1887? A Yes, sir.
Q And did not remove here until 1892? A No, sir.
Q You were married in 1871? A July 23, 1871.
Q You were married before you were admitted? A Yes, sir.
Q What is the name of your children? A Sarilla A.
Q How old is she? A 20.
Q What is the name of the next one? A Amanda.
Q How old is Amanda? A 17 years old.
Q What is the name of the next one? A Florence.
Q How old is Florence? A 15.
Q What is the name of the next one? A Joseph J.; 14 years old.
Q What is the name of the next one? A Hattie M.; 11 years old.
Q What is the name of the next one? A Hattie B., seven years old.
Q The next one after Hattie B.? A James H., six.
Q These children all alive and living with you? A Yes, sir.
Q I see in the certificate you present that the names of Sarilla, Amanda, Florence and Joseph J., are they the identical children for whom you now apply for enrollment? A Yes, sir.
Q What year was Hattie M. born in? A 1889.
Q Hattie B., when was she born? A 1893.
Q James H., in 1894? A Yes, sir, 1894.
Q Have you any proof of marriage to your wife? A I might get some.
Q You have no certificate of marriage? A No, sir.
Q Anybody here who knows that you were married to her? A I do not know.
Q Is there anybody here that knows that you have been living with her for the last 25 years?

R. L. McDonald, being sworn and examined, testified as follows:

Q What is your name? A R. L. McDonald.
Q Your age? A 30.
Q What is your post office address? A Adair.
Q Do you know Joseph W. Davis? A Yes, sir.

Joseph W. Davis--2.

- Q Do you know Joseph W. Davis? A Yes, sir.
Q Do you know his wife, Mattie? A Yes, sir.
Q You do not know whether they were married or not? A Yes, sir, I suppose they were, they have been living together as man and wife.
Q How long have you known of them? A For 20 years.
Q They were considered in the Neighborhood as man and wife? A Yes, sir.

1896 enrollment; page 464, #1002, Joseph Warren Davis, Delaware.
1896 enrollment; page 569, #128, Arthur Ann Davis, Delaware.
1896 enrollment; page 464, #1003, Barrilla Elizabeth Davis, Delaware.

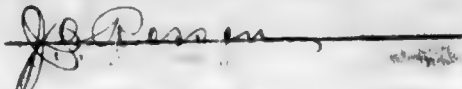
1896 enrollment; page 464, #1007, Amanda Davis, Delaware.
1896 enrollment; page 464, #1008, Forest Davis, Delaware.
1896 enrollment; page 464, #1009, Joseph Johnson Davis, Delaware.
1896 enrollment; page 464, #1010, Mattie Miller Davis, "
1896 enrollment; page 464, #1011, Mattie Bell Davis, "
1896 enrollment; page 464, #1012, James Hall Davis, "

Com'r Needles:--The name of J. W. Davis appears upon the census roll of 1896 and the name of his children, Barrilla A., Amanda, Florence, Joseph J., Mattie M., Marriette R. and James H., appears upon the census roll of 1896. The applicant presents satisfactory proof of his admission to citizenship, more particularly described in the testimony, admitting himself and the said Barrilla E., Amanda, Florence, and Joseph J., to Cherokee citizenship as Cherokees by blood. The name of Mattie M., Mattie B. and James H., appear upon the census roll of 1896, they having been born subsequent to the admission of the said Joseph W. Davis. He avers that he was married to one Mattie A., a white person, in the year 1871, and oral proof has been made as to said marriage. They all being duly identified upon the roll, and having made satisfactory proof as to their residence, the said Joseph W. Davis and his children as enumerated in the testimony will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

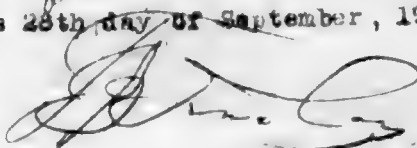
The name of his wife, Mattie A., does not appear upon the certificate of admission presented, and he avers that he was married to her in 1871. He having been admitted to Cherokee citizenship in the year 1887, consequently the enrollment of the said Mattie A. Davis ~~xxxx~~ as an intermarried citizen will be rejected.

---00000000---

J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 28th day of September, 1900.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Thomas Martin for the enrollment of himself as a citizen of the Cherokee Nation.

D E C I S I O N .

It appears from the record in this case that Thomas Martin appeared before the Commission to the Five Civilized Tribes on the 16th day of October, 1900, and made application to be enrolled as a citizen by blood of the Cherokee Nation.

It appears from the evidence in the case that said Thomas Martin was admitted to citizenship by an Act of the Cherokee National Council on the 4th day of December, 1890. Thomas Martin was then 14 years old, and was residing in the State of Texas. It appears that in May, 1898, he joined the army of the United States, and that he came to the Cherokee Nation for the first time immediately upon his discharge from the army, and that at the time of his application for enrollment he had been living in the Cherokee Nation little over a year.

An act of the Cherokee National Council passed December 4th, 1894, provides:

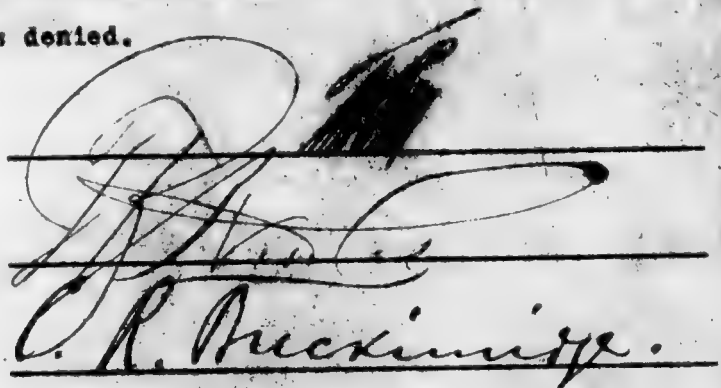
"That all persons who have been or may hereafter be re-admitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of re-admission of persons hereafter re-admitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided, that nothing in this act shall bar minors and orphans."

Giving the applicant the benefit of such advantages as might be claimed for him under this act, it would appear that before he joined the army he had arrived at his majority, being then 22 years old, and, so far as this record discloses, was at liberty to remove to and take up his residence in the Cherokee

Nation. It does not appear that the applicant is identified on any of the tribal rolls of the Cherokee Nation. The Act of Congress approved June 28, 1898, (30 Stat., 498), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

In view of the facts and the law in this case, the application for the enrollment of Thomas Martin as a citizen by blood of the Cherokee Nation is denied.



C. R. Buckinridge.

Dated at Muskogee, Indian Territory,
this the 21 day of April, 1902.

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

Cherokee B-177.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Mattie A. Davis for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

J. W. Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A J. W. Davis.
Q How old are you? A Fifty-two.
Q What is your postoffice? A Adair.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your wife's name? A Mattie A. Davis.
Q When were you married to Mattie? A In '91.
Q Where were you married? A In Georgia.
Q When did you come to the Cherokee Nation? A About ten years ago.
Q Were you admitted to citizenship? A Yes sir.
Q When? A In '87.
Q You came here in 1882 did you? A Yes sir.
Q Been living here ever since? A Yes sir.
Q Have you any certificate of marriage to your wife, Mattie? A No sir, I haven't.
Q Did you ever get a certificate? A Yes sir.
Q Have you got it now? A No sir, I haven't.
Q What became of it? A I don't know.
Q Did you lose it? A I expect I did.
Q You haven't seen it for a long time? A I brought witnesses before the Commission and proved it.
Q Have you and your wife been living in the Cherokee Nation ever since '92? A Yes sir.
Q Never been separated? A No sir.
Q You have never made your home outside of the Cherokee Nation? A No sir.
Q You were living together on the first day of September, 1902? A Yes sir.
Q Is Mattie Davis your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
J. O. Starr: Where were you living when you married Mattie Davis?
A In Georgia.
Q Did you procure a marriage license there? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Schenberger

Subscribed and sworn to before me this 4th day of November, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mattie A. Davis as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

DECISION.

--101--

The record in this case shows that on September 25, 1900, Joseph W. Davis appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of his wife, Mattie A. Davis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 8, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Mattie A. Davis was lawfully married on July 23, 1871, to Joseph W. Davis, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 16, 1887, as shown by an examination of the records of the Cherokee Nation in possession of the Commission. The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship. The said Mattie A. Davis is identified on the Cherokee Census Roll of 1896 as the wife of the said Joseph W. Davis.

The evidence further shows that the said Mattie A. Davis has lived with her husband in the Cherokee Nation since 1892 continuously, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Mattie A. Davis should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mattie A. Davis as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 25, 1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of Mattie A. Davis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 8, 1902, and January 2, 1907. The records further show that on December 10, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mattie A. Davis, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one Joseph W. Davis, in the year 1871; that the said Joseph W. Davis was not a recognized citizen of the Cherokee Nation at the time of said marriage, and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation, in the year 1887. Said applicant did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875. Said applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, December 10, 1902, granting the application for the enrollment of Mattie A. Davis as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught; and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mattie A. Davis, is not entitled under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Tame Bird

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1 1907

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-277

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,

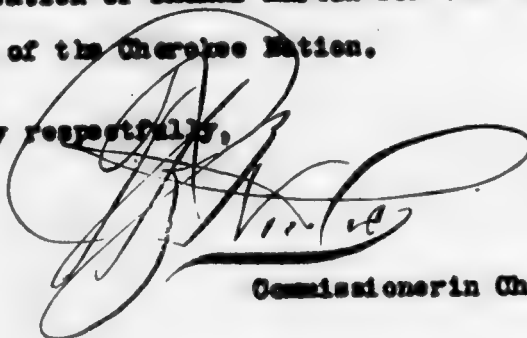
Atty. for Cherokee Nation,

Maskogee, Indian Territory,

Sir:

Enclosed herewith find Commission's decision of date April 26, 1902, in the matter of the application of Thomas Martin for the enrollment of himself as a citizen of the Cherokee Nation.

Very respectfully,



Commissioner in Charge

Encl. B-12.

98

COMMISSIONERS

HENRY L. DAWKINS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee B-277.

ALLISON L. AYLESWORTH,
SECRETARY.

AGENTS ON THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 18, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,


Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of Joseph W. Davis for the enrollment of his wife, Mattie A. Davis, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Acting Chairman.

Enc. H-203.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 10014

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian territory, February 4, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 5, 1907, rejecting the application for the enrollment of Mattie A. Davis as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is in receipt of same.

Respectfully,

Encl. H-9
JMM

Commissioner.

WATKINS. DAVIS.

R-177

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 178

Cher R 178

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 22, 1900.

In the matter of the application of Louis K. Thompson for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Thompson being sworn by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Louis K. Thompson.
Q What is your age? A 26.
Q Your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A One-sixteenth.
Q For whom do you apply for enrollment? A A. Myself, wife and baby.

Q What is your father's name? A Joe Thompson.
Q Is he living? A Yes, sir.
Q Your mother's name? A Yannie.
Q Is she living? A No, sir.
Q What is the name of your wife? A Nellie.
Q What was her name before you married her? A Stille.
Q Is she a citizen? A No, sir.
Q Have you certificate of marriage? A Yes, sir.

Applicant presents marriage license issued by the Clerk of the United States Court, and marriage certificate certifying that on the 25th day of December, 1896 he was married to one Nellie Stille, a non-citizen of the Cherokee Nation.

Q Do you apply for the enrollment of your wife, do you? A Yes, sir.
Q What is the name of your children? A Minnie F.
Q How old is she? A One year old.
Q Is she living? A Yes, sir.
Q Have you proof of birth? A Yes, sir.

He presents satisfactory proof of birth of his child, Winnie.

1880 enrollment; page 330, #2738, Louis Thompson, Delaware.
1896 enrollment; page 542, #3141, Louis K. Thompson, Delaware.

Q How long have you lived in the Cherokee Nation? A All my life.

Com'r Needles:--The name of Louis K. Thompson appears upon the authenticated roll of 1880, as well as the census roll of 1896. He applies for the enrollment of his wife and one child, and presents satisfactory proof of birth as to his child, named Minnie, one year old. Her presents certificate of marriage license, certifying that he was married in the year 1896. According to the laws of the Cherokee Nation, intermarried white citizens marrying to white citizens after December 16, 1895, acquire no rights whatever as Cherokee citizens; consequently application for the enrollment of his wife, Nellie Stille, is rejected, and he, said Louis K. Thompson, and his child, Minnie, will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of September, 1900.

Commissioner.

178
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1900


ARTHUR C. BRYAN

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept 26 1900.Name Nellie J. Thompson

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Nellie Thompson

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Married Year 1900 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

wife of Lewis K. Thompson

1118

MAL.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Nellie Thompson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 178, it is entitled Nellie Thompson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. D. Medfies.*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-ⁿ. 178.

(COPY)

R 138

McKehee, Indian Territory, February 14, 1906.

Mrs. Nellie Thompson,
Vinita, Indian Territory.

Sir:

On the 26th day of September, 1906, your husband, Louis K. Thompson, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 25th day of December, 1896, to the said Louis K. Thompson, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court; that you are not identified on the Cherokee census roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 22, 1896, (50 Stats., 400):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the

Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1898. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delaware or Shawnee by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 689 to Sec. 689, inclusive, pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not

of Cherokee, Delaware or Shawnee blood who may marry Cherokees
by blood, Delaware or Shawnee by blood who are recognized
citizens. And all laws or parts of laws conflicting here-
with, are hereby repealed.

In view of the law and testimony in this case the appli-
cation for the enrollment of yourself as an intermarried citizen
of the Cherokee Nation, has this day been refused by the Commission
to the Five Civilized Tribes.

A copy of the record of the proceedings had in this
application is enclosed herewith.

This decision, with a copy of the proceedings had in this
case, is this day transmitted to the Secretary of the Interior for
his review and decision. The final decision of the Secretary of
the Interior will be made known to you as soon as the Commission
is informed of the same.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

Assistant Commissioner.

Register.

Register.

Commissioner in Charge.

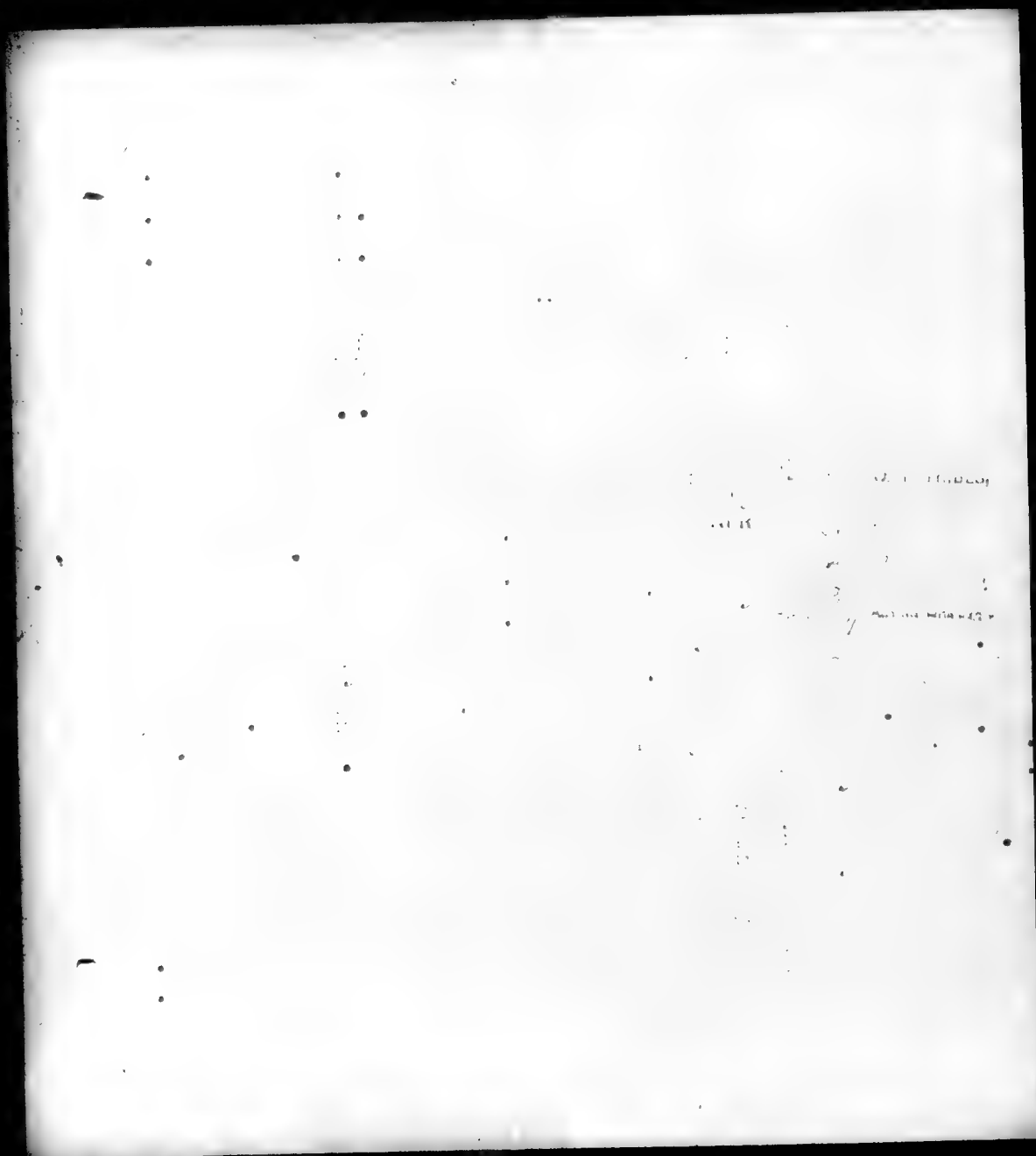
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

McKee Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes and copy of the Commission's letter of
notification of its decision rendered FEB 14 1902 in the matter of the application
of *Hellie Thompson* for enrollment as citizen of the
Cherokee Nation.

Cherokee No. *R178.*

/ /
Attorney for Cherokee Nation.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 1852-1902.
D. C. 6222-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Nellie Thompson, R 178, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

100 INDEX,
APR - 1962

~~100 INDEX~~ ACTING UNKNOWN

Cherokee R-178

Muskogee, Indian Territory, April 17, 1902.

Hollie Thompson,

Vinita, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed on the 3rd day of April, 1902, by the Secretary of the Interior.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BERRY.
THOMAS S. NEEDLES.
C. R. BREENINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-B-178.

Muskogee, Indian Territory, April 17, 1902.

W. V. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Nellie Thompson, Cherokee No. R. 178, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

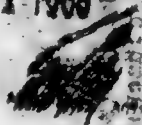
Acting Chairman.

Cher R 179

Cher R 179

Q 177

DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES
F. I. D. II
OCT 11 1900



CHIEF

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I.T. September 26, 1900.

IN THE MATTER OF THE APPLICATION OF ROBERT D. RALSTON FOR
THE ENROLLMENT OF HIMSELF AND CHILDREN AS CHEROKEE CITIZENS.

The said Robert D. Ralston, being sworn and examined by
Commissioner C. E. Brackinridge, testified as follows:

Q Give me your full name, please. A Robert D. Ralston.

Q How old are you? A Forty-five.

Q What is your post office? A Woodmore.

Q In what district do you live? A Delaware.

Q Who is it you want to have put on the roll? A Myself
and four children.

Q Do you apply for yourself as a Cherokee by blood? A
Yes, sir.

Q What proportion of Cherokee blood do you claim? A About
one-eighth.

Q How long have you lived in the Cherokee Nation? A Well,
hardly two years yet.

Q How did you acquire your citizenship? A Why, I had an
agent to get it for me.

Q Well, who did he get it from? A He got it from the
Cherokee Commission.

THE COMMISSIONER: The applicant presents a duly authenticated
certificate of admission to Cherokee citizenship, showing that on
October 14th, 1897, certain people were admitted to Cherokee citi-
zenship by the Cherokee Commission, and among them appears
the name of Robert D. Ralston.

Q That is your name is it? A Yes, sir.

THE COMMISSIONER: This is taken as official evidence of
the facts stated, and the certificate is returned to the applicant.

Q Where were you living at the time you got your admission?

A In Georgia.

Q You didn't come here until a year ago? A I didn't
finally come until two years ago. I had been in and out several
times.

You didn't bring your folks here and stay until two years
ago? A No, sir; my family wasn't well enough to move.

Q What was the matter with your family during that time
that they could not come here? A My wife or children one was
sick all the time.

Q One of them were sick all the time? A Yes, sir; those
children are all dead now but one, that is on that roll.

Q Give me the names of the children you apply for now please.

A Robert L.

Q How old is that child? A He is thirteen.

Q The next child? A Viola L.

Q How old is that child? A Nine.

Q The next child? A Lucy.

Q How old is she?

A She is six.

Q The next child. A Luke.

Q How old is that child? A Four.

Q What is all, is it? A Yes, sir.

Q These children came with you two years ago? A Yes,

sir.

Q None of them were ever here before that time, were they?

A No, sir.

Q Of course they are not upon any roll? A Yes, sir; two of
them are on the 1894 roll.

Q Which ones, Robert L. and Violet? A Yes, sir.

Q Are you on the 1894 roll? A Yes, sir.

Q That is the only roll you are on is it? A Yes, sir.

Q Now, this child Robert L., was he born since October 14th 1887,--since you were admitted? A He was admitted; he is one year old there.

THE COMMISSIONER: The name of Robert L., is identified on the certificate of admission presented by the applicant.

(By Mr. W.T. Hutchings, Counsel for Cherokee Nation)

Q You remained in Georgia after your admission and took part in all of the elections, both State and municipal, didn't you, and voted at them? A Yes, sir.

Q You were chief of police of the town of Dalton, Georgia, for a long time after your admission to citizenship? A Yes, sir.

1894 Roll, page 288, No. 3673, Robt. D. Ralston, Cooweescoowee District.

1894 Roll, page 288, No. 3674, Robt. L. Ralston, Cooweescoowee District.

1894 Roll, page 288, No. 3675, Violet Ralston, Cooweescoowee District.

Q What is the name of the mother of these children?

A Vashty.

Q Cherokee or white woman? A She was a white woman.

Q And is she dead or alive? A She is dead.

Q How long has she been dead? A She died in 1898.

Q When were you married to her? A Here is the paper.

THE COMMISSIONER: The applicant presents what purports to be an official copy, though it is without the seal of office, of his marriage license, from Whitfield County Georgia, under date of March 1st, 1884, authorizing the marriage between himself and Vashty Rebels. Signed by W. J. Underwood, Ordinary. The certificate attached thereto states that the parties were married in accordance with said license on the second day of March, 1884. This is accompanied by an official statement from the Ordinary and ex-officio Clerk of the County stating that the copy is correct. These papers are filed herewith.

Q You and your wife lived together from the time of your marriage until the time of her death, did you? A Yes, sir.

Q What year was it you came here? A It was in February 1899.

THE COMMISSIONER: The applicant applies for the enrollment of himself and four children-----

THE APPLICANT: Will you allow me to show you a letter before you make your decision?

THE COMMISSIONER: Yes, sir.

(Letter handed to Commissioner)

THE COMMISSIONER: That does not affect the status of your case at all. That is just what I am going to tell you.

Q Are all these children living at this time? A Yes.

THE COMMISSIONER: The applicant applies for the enrollment of himself and four children. He is ~~identified~~ shown by the official certificate cited in the testimony to have been admitted to Cherokee citizenship in 1887; according to his own evidence he did not move to the Cherokee Nation and gain his residence here until February 1899, therefore he comes under the provision of Sec. 21 of the Curtis Bill, approved June 28th, 1898, which provides that no person shall be enrolled who has not heretofore removed to "and in good faith settled in the Nation in which he claims citizenship." He is identified on the roll of 1894, but as he

did not move to the Cherokee Nation until 1899 and exercised all the functions of citizenship in the State of Georgia from the time of his admission until he moved here, he cannot be enrolled at this time, and his application for his own enrollment is rejected.

As regards the application for the enrollment of his four children enumerated in the testimony: The eldest one, Robert L., is identified on the certificate of admission cited in the testimony; he was then, and is now, a miner, being at the time of his admission one year old and now thirteen years of age.

The child Violet is identified on the roll of 1894, as is the child Robert L. The two younger children Lucy and Luke are not identified on any roll, but all three of the latter children were born since the admission of their father to Cherokee citizenship. They came to the Cherokee Nation at the time their father removed to the Nation, but being minors during the period of their absence, the application for their enrollment will be taken under consideration, and their names will at present be placed upon a doubtful card.

The applicant will be required to supply the Commission with certificates of birth of the two younger children, Lucy and Luke, who are not upon any roll. The two elder children are living at this time with the applicant in the Cherokee Nation. The applicant is shown by the official evidence of his marriage to have been married to his wife in 1884. They lived together from the time of their marriage until her death in 1898.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Wm. S. McMillan
Subscribed and sworn to before me this 11th day of October
A. D. 1900.

Wm. S. McMillan
Commissioner.

B

177
DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 28 1900

[Signature]

ACTING CHAIRMAN

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

45 Name Robert D. Ralston, Widener St. Date SEP 16 1900
District COOKE Year 1894 Page 288 No. 3670
Citizen by blood yes admitted 1894 Mother's citizenship
Intermarried citizen

Married under what law Date of marriage
License Certificate
Wife's name
District Year Page No.
Citizen by blood Mother's citizenship
Intermarried citizen
Married under what law Date of marriage
License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On 1894 Roll as Capt. D. Ralston

78179

8/20/1917

FI 1517
2 1902

COMMISSION: TC 14

COMMISSION

DEPARTMENT OF THE INTERIOR,
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application
of ROBERT D. RALSTON, for enrollment
as a citizen by blood of the
Cherokee Nation:

DECISION.

It appears from the record in this case that on the 26th day of September, 1900, the said Robert D. Ralston appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The testimony in this case shows that the applicant applied for and was admitted to citizenship in the Cherokee Nation, on the 14th day of October, 1887, by the Cherokee Commission. At the time of his admission he was living in the State of Georgia, where he continued to reside until February, 1899, when he removed to the Indian Territory.

The applicant is identified on the Cherokee Strip Payment Roll of 1894; and bases his application for enrollment upon the foregoing facts.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

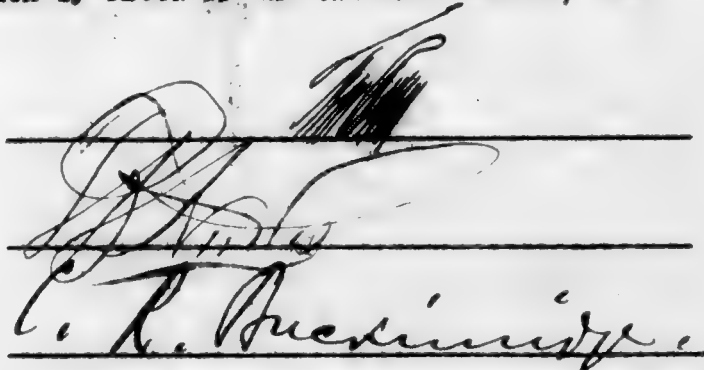
"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so

admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Having been admitted to citizenship on the 14th day of October, 1887, as hereinbefore shown, and failing to remove to the Indian Territory until February, 1890, he is considered to be embraced in that class of persons to which the Act of Congress approved June 28, 1898, (30 Stats., 495), section twenty one, paragraph nine, applies, and which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....."

In view of the law and testimony as shown in this case, it appears that the applicant Robert D. Ralston, is not entitled to be enrolled as a citizen by blood of the Cherokee Nation; and it is so ordered.


C. R. Buckinridge

Commissioners.

Dated at Muskogee, Indian Territory,
this 26 day of April, 1902.

COPY

Cherokee R-179

Washoe, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Robert D. Ralston as a citizen of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of the said Robert D. Ralston as a citizen of the Cherokee Nation.

Very respectfully,

T. D. Needles.
(SIGNED) Commissioner in Charge.

1 Encl. No. R-179.

COMMISSIONER

FILED

APR 25 1902

[Handwritten signature]
ASST. CLERK

COPY.

Cherokee R-179

Muskogee, Indian Territory, April 26, 1902.

Mr. Robert D. Ralston,

Needmore, Indian Territory,

Sir:

Enclosed herewith please find copy of Commission's decision rendered April 26, 1902, in the matter of the application for the enrollment of yourself as a citizen of the Cherokee Nation.

The Commission has on this day forwarded a copy of its decision, together with a record of the proceedings had in the matter of your application, to the Secretary of the Interior for his consideration and final decision.

The Secretary's final action will be duly communicated to you so soon as the same is made known to this Commission.

Very respectfully,

SIGNED: *I. B. Needles*
Commissioner in Charge.

Encl. B-42.
Register.

COMMISSION TO

FILE 111

AL 2 5 1902

AL 2 5 1902

COPY.

Muskogee, Indian Territory, April 26, 1902.

L. F. Parker, Esq.,

Attorney at Law,

Vinita, Indian Territory,

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, in the matter of the application of Robert D. Ralston for the enrollment of himself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

Encl. B-172.

COMMISSIONERS
HENRY L. DAWES
TAMM SIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-179

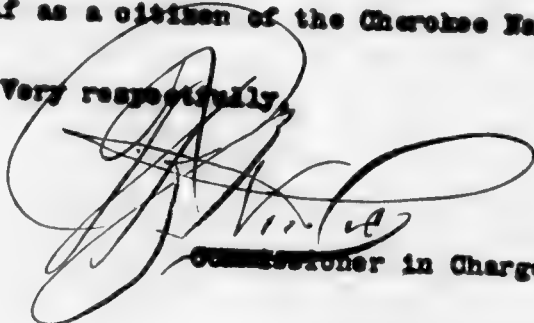
ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of Robert D. Balston for the enrollment of himself as a citizen of the Cherokee Nation.

Very respectfully,



Commissioner in Charge.

Encl. B-14.

COPY.

Refer in reply to the following:

Land

25,920-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, May 10, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to transmit, herewith, a report made on April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Robert D. Ralston for the enrollment of himself and his children, Robert L., Viola L., Lucy and Luke.

It appears that Mr. Ralston was admitted to citizenship by the Cherokee authorities on October 14, 1887, and that he did not remove to the Cherokee Nation until February, 1899.

The Commission held, therefore, that he was not entitled to citizenship in the Cherokee Nation.

It does not appear that any specific or clear decision was made by the Commission relative to the rights of these children and it is presumed that their case will come up separately.

It seems, however, to the office proper to state that it would have been well to have decided the cases of the children with that of the father as their rights seem to be dependent upon his, and it is therefore respectfully recommended that the commission be advised that as the rights of the father have been denied the children should not be placed upon the rolls of the Cherokee Nation.

Very respectfully,

(W.C.V.)

P.

Your obedient servant,

A.C. Tomner, Acting Commissioner.

COPY.

JP,

DEPARTMENT OF THE INTERIOR.

F

D.C?10164-1902.
I.T.D.3052-1902.

Washington, June 13, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 26, 1902, you rejected the application of Robert D. Ralston for enrollment as a citizen of the Cherokee Nation.

Ralston made application for himself and four minor children. It appears that Ralston, who was then a resident of Georgia, was admitted to citizenship in the Cherokee Nation by the Cherokee authorities on October 14, 1887, but he did not remove to the Indian Territory until 1899. His name appears on the 1894 "strip payment roll." As the act of June 28, 1898 (30 Stat., 495), provides that no person shall be enrolled who has not theretofore removed to and in good faith settled in the nation in which he claims citizenship, you rejected the application as to him, and it appears from your field decision that you placed his children on a doubtful card. The children are not mentioned in your decision which the Acting Commissioner of Indian Affairs, submitting the case May 10, 1902, recommends be approved.

The Department concurs in this recommendation and your decision is concurred in.

The Acting Commissioner states that it would have been well if for you to have decided the cases of the children with that of the father, as their rights seem to be dependent upon his, and he

recommends that you be advised that as the rights of the father have been denied the children should not be placed upon the rolls of the Cherokee Nation.

The Department assumes that there were satisfactory reasons why you did not dispose of the application of the children at the time you rendered your decision in regard to Ralston. If you reject, or have rejected, the application of the children, of course the case will reach the Department in due time, but if, on the contrary, it has been, or shall be, concluded that they should be enrolled, the Department considers it advisable that they should not be enrolled until the Department has had an opportunity to pass upon the question of their rights. You are therefore requested to make a decision in the matter if you have not already done so. In transmitting the case you are at liberty to submit your views in regard to the question involved.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

~~B. M. D.~~

De

Cherokee D-437.
Cherokee B-179.

COPY.

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of the Department's letter under date of June 13, 1902, (I. T. D. 3052-1902) affirming the decision of the Commission rendered April 26, 1902, in the matter of the application of Robert D. Ralston for the enrollment of himself as a citizen by blood of the Cherokee Nation.

As requested in the Department's letter, there is herewith transmitted the record of the proceedings in the matter of the application for the enrollment of Robert L. Ralston, Violet L. Ralston, Lucy Ralston and Luke Ralston, as citizens by blood of the Cherokee Nation, including the decision of the Commission dated July 12, 1902, denying their application.

Very respectfully,

W. L. Ralston,
Acting Chairman.

1 Inclosure.

H-4.

Cherokee R-179.

COPY.

Muskogee, Indian Territory, July 12, 1902.

Luman F. Parker, Jr., Esq.,

Attorney for Robert D. Ralston,

Vinita, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, rejecting the application of Robert D. Ralston for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 13th day of June, 1902.

Respectfully,

Acting Chairman.

Register.

Cherokee B-179.

COPY.

Muskogee, Indian Territory, July 12, 1902.

Robert D. Ralston,

Needmore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 15th day of June, 1902.

Respectfully,

Acting Chairman.

Register.

317

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

WRITTEN IN REPLY TO THE FOLLOWING

Cherokee R-179.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1902.

W. W. Hastings, Esq.,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, rejecting the application of Robert D. Ralston for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 13th day of June, 1902.

Respectfully,



Acting Chairman.

60

712179

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED

W. L. F. D.
OCT 16 1901

[Handwritten signature]

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Oct 16 '04 Vinita, T.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
Robt. A. Ralston for enrollment as
citizens of the Cherokee Nation.

L. F. Ralston
Atty for applicant.

No. R. 174

Cher R 180

Cher R 180

a

A 150

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SEP 11 1900
SEP 28 1900

CHIEF CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, IL T., SEPTEMBER 26th, 1900.

IN RE MATTER OF THE APPLICATION OF Andrew McAffrey, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Andrew McAffrey.
Q What is your age? A Twenty six.
Q What is your Postoffice? A Klaus.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A Myself, wife and children.
Q What is the name of your father? A Hugh McAffrey.
Q What is the name of your mother? A Fannie McAffrey.
Q Is she living? A Yes sir.
Q What is the name of your wife? A Ada McAffrey/
A Cherokee citizen by blood? A No sir.
Q What was her name before you married her? A Ednsonson.
Q When did you marry her? A In 1898.
Q Have you any certificate of marriage? A Yes sir.
The applicant presents a marriage license, and certificate of marriage, certifying that he was married according to the laws of the United States to one Ada Ednsonson, on the 1st day of February, 1898.
Q What is your child's name? A Ollie C.
Q How old is she? A One year old; about thirteen months.
Q What is the name of the next one? A That is all.
Q Have you any proof of birth as to this child? A Yes sir.
The applicant presents satisfactory proof of birth as to his child, Ollie C., born after the census rolls of 1896 were compiled. (1890 Roll, Page 287, #1723, Andrew McAffrey, Delaware D'ty) (1896 Roll, Page 498, #1910, Andrew McAffrey, Delaware D'ty)
Q How long have you lived in the Cherokee Nation? A All my life.
Q Your wife is living now, and this child? A Yes sir.

The name of Andrew McAffrey appears upon the authenticated roll of 1890, and the census roll of 1896. He avers that he was married to one, Ada Ednsonson, on the 1st day of February, 1898, and presents satisfactory proof thereof. He also presents satisfactory proof of the birth of his child, Ollie C. McAffrey, whose name does not appear upon the census roll of 1896, having been born after same were compiled. He being duly identified, according to the page and number of the rolls, as indicated in the testimony, and having made satisfactory proof of his ~~xxx~~ residence, the said Andrew McAffrey, and his child, Ollie C. will be duly listed for enrollment as Cherokee citizens by blood.

The evidence shows that he was married to Ada Ednsonson, in 1898, too late under the provision of the Cherokee law to be enrolled as a Cherokee citizen by intermarriage, or to acquire any rights to Cherokee citizenship: His application for her enrollment will be refused: She will be rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 26th day of September, 1900.

T. B. Needles

COMMISSIONER.

B

1100
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 28 1900

[Faint handwritten signature]

1 CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 26 1900 1900.

Name

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age
	Year	Page	No.	Age

wife of Andrew McAffrey

Q

R 180

MAR 1961

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ada McAffrey, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 180, it is entitled Ada McAffrey, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 180.

108

(COPY)

Cherokee R-160

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ada McAffrey,

Wlausa, Indian Territory.

Madam:-

On the 26th day of September, 1900, Andrew McAffrey, your husband, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. It appears from the testimony in this case that you were married on the 1st day of February, 1896, to one Andrew McAffrey, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court; that you are not identified upon the Cherokee Census Roll of 1896, and that you have your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1896, (29 Stat., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1896 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who

were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter VII, Article XII, Section 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee

Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

Enclosure.

Register.

Acting Chairman.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered FEB 11 1902 in the matter of the application

of *Ada Mc Ghee* for enrollment as citizen of the
Cherokee Nation

Cherokee Nation R 180

/ /
Attorney for Cherokee Nation

APR 1902

[Handwritten signature]
[Faint, illegible text]

L. R. S.

P.

J. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D 1853-1902.
D. C 6270-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Ada McAffry, R 180, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.L.



L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-100

Muskogee, Indian Territory, April 17, 1902.

Ada McAffrey,

Klaus, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS S. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-180.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ada McAffrey, Cherokee R.180, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R. 181

Cher R 181

6 1181
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 28 1900

 ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 26, 1900.

In the matter of the application of John H. Miller for the enrollment of himself and wife as citizens of the Cherokee Nation; said Miller being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John H. Miller.
Q What is your age? A 20.
Q What is your addt office address? A Ruby.
Q What district do you live in? A Coowasecoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A One quarter.
Q For whom do you apply for enrollment? A Myself and wife.
Q What is the name of your father? A Rufus.
Q Is he living? A Yes, sir.
Q The name of your mother? A Hannah Jane.
Q What is the name of your wife? A Annie.
Q Is she white person? A Yes, sir.
Q What was her name bef ore you married her? A Mahoney.
Q When did you marry her? A 13th day of last may, 1900.
Q What is the name of your children? A I haven't got any.
Q Is your name on the authenticated roll of 1880? A No, sir, I do not thin it is.
Q What is your wife's age? A 16.
Q 1896 enrollment; page 507, #2061, John Henry Miller, Delaware.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q Is your father Cherokee by blood? A Yes, sir.
Q Your mother? A No, sir.

Com'r Needles:--The name of John H. Miller is found upon the census roll of 1896. His name does not appear upon the authenticated roll of 1880. He applies as a citizen through his father, Rufus Miller, whose name does not appear upon the authenticated roll of 1880, but does appear upon the census roll of 1896; consequently final judgment as to the enrollment of the said John H. Miller as a Cherokee citizen by blood will be suspended and his name will be placed upon a doubtful card, and reference is made as to the testimony of his father Rufus Miller, whose name also was placed upon a doubtful card, #420.

Applicant applies for the enrollment of his wife, Annie, as a Cherokee citizen by intermarriage. He avers that he was married to her, her name being one Annie Mahoney, in the year 1900. Said marriage occurred too late under Cherokee law for white persons who intermarry citizens to acquire citizenship, consequently the application for the enrollment of his wife, Annie, will be refused.

-- oooooo--

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of September, 1900.

J. O. Rosson
Commissioner.

12 DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

Handwritten signature
S. J. HARRIS

2 **CHEROKEES BY BLOOD AND ADOPTION**

Date SEP 26 1900 1900.

Name Ruby

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Annie Miller

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

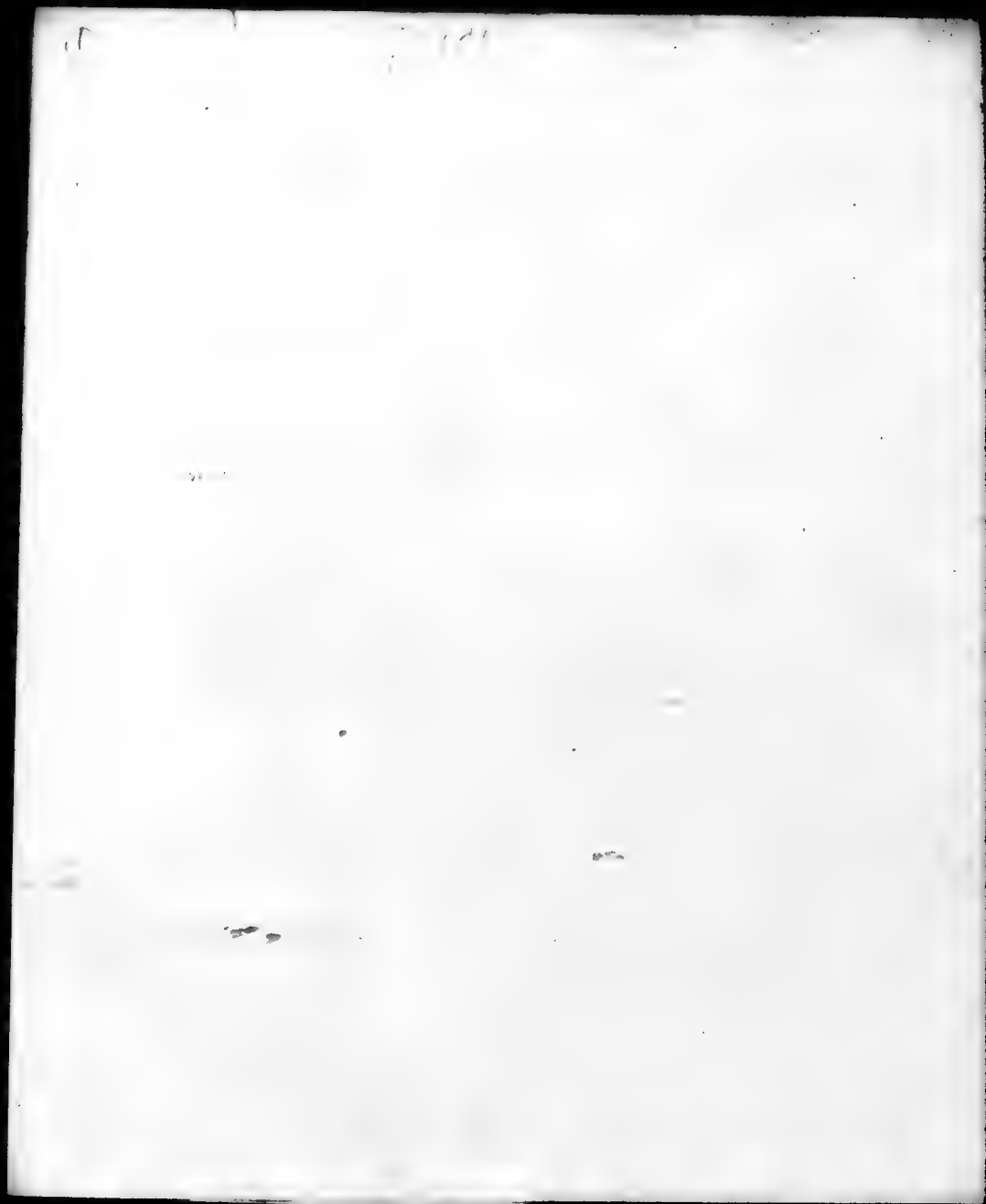
Year

Page

No.

Age

1 wife of John H Miller



COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Annie Miller, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R.181, it is entitled Annie Miller, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 181.

(COPY)

N 181

Muskogee, Indian Territory, February 14, 1902.

Mrs. Annie Miller,

Ruby, Indian Territory.

Madam:

On the 26th day of September, 1900, your husband, John L. Miller, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 13th day of May, 1900, to your said husband, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896, and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were miners when their parents were so

admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized

-3-

citizens. And all laws or parts of laws conflicting herewith,
are hereby repealed*.

In view of the law and testimony in this case the appli-
cation of yourself for enrollment as an intermarried citizen of the
Cherokee Nation, has this day been refused by the Commission to
the Five Civilized Tribes.

A copy of the record of the proceedings had in this
application is enclosed herewith.

This decision, with a copy of the proceedings had in the
case, is this day transmitted to the Secretary of the Interior for
his review and decision. The final decision of the Secretary of
the Interior will be made known to you as soon as the Commission is
informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enclosure.

Register.

By (Signed) ~~W. B. Needles~~ I. B. Needles.

~~Assistant Commissioner~~

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory.

FEB 14 1902

*Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision rendered*

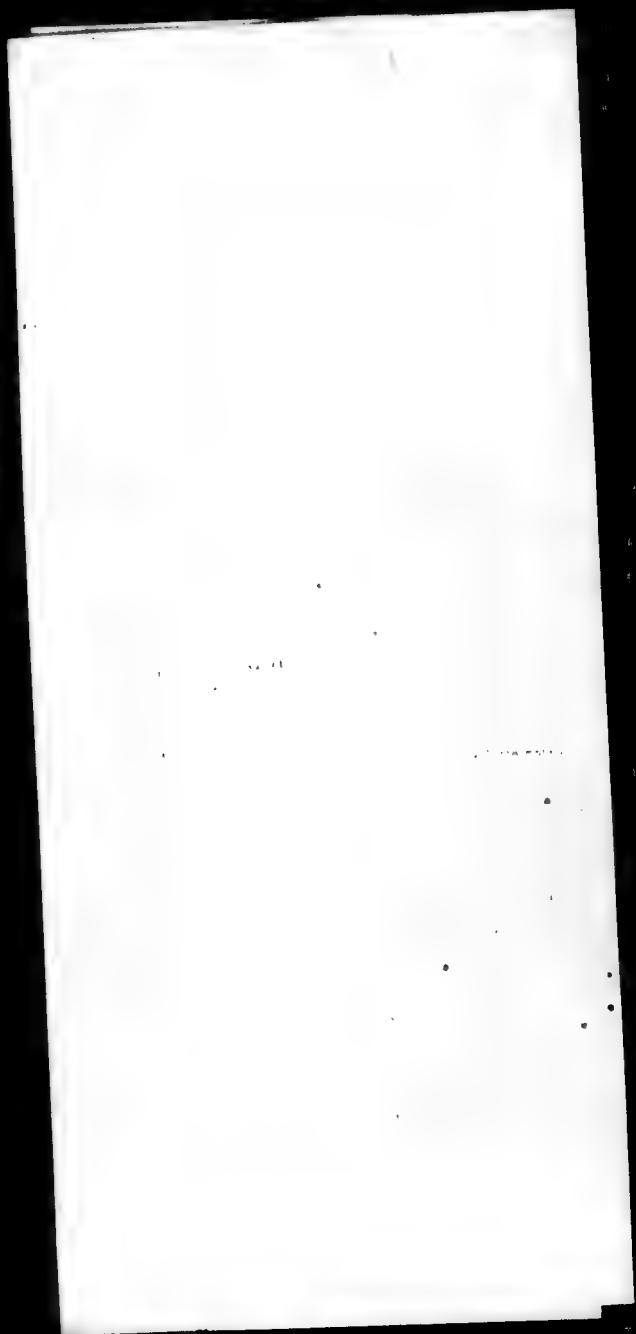
of
Annie Miller
Cherokee Nation

*in the matter of the application
for enrollment as citizen of the*

Cherokee No

R 181

/ /
Attorney for Cherokee Nation



L. R. S.

J.P.!!

T.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1854-1902.
D. C. 5985-1902.

April 3, 1902.

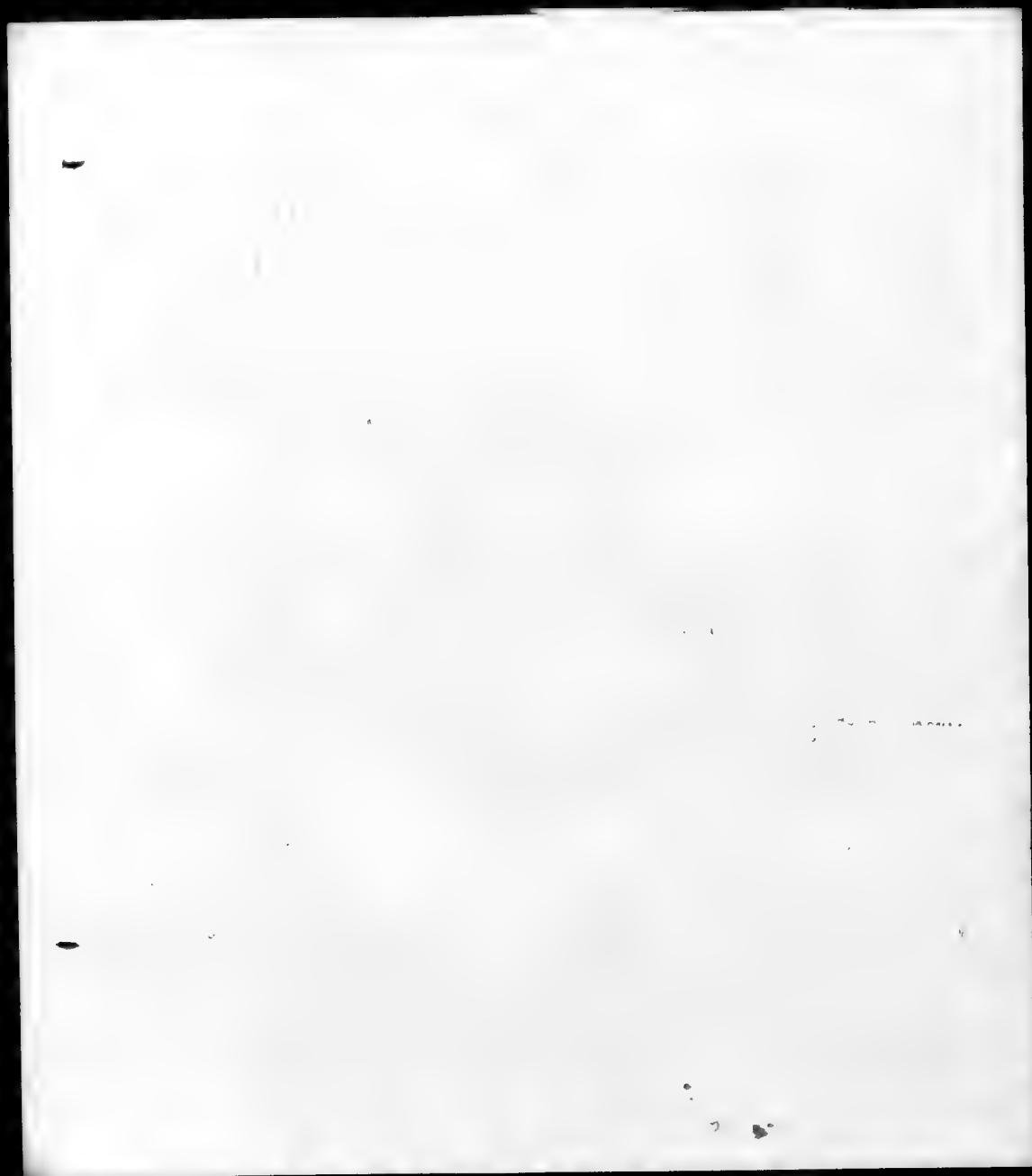
Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Annie Miller, R 181, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

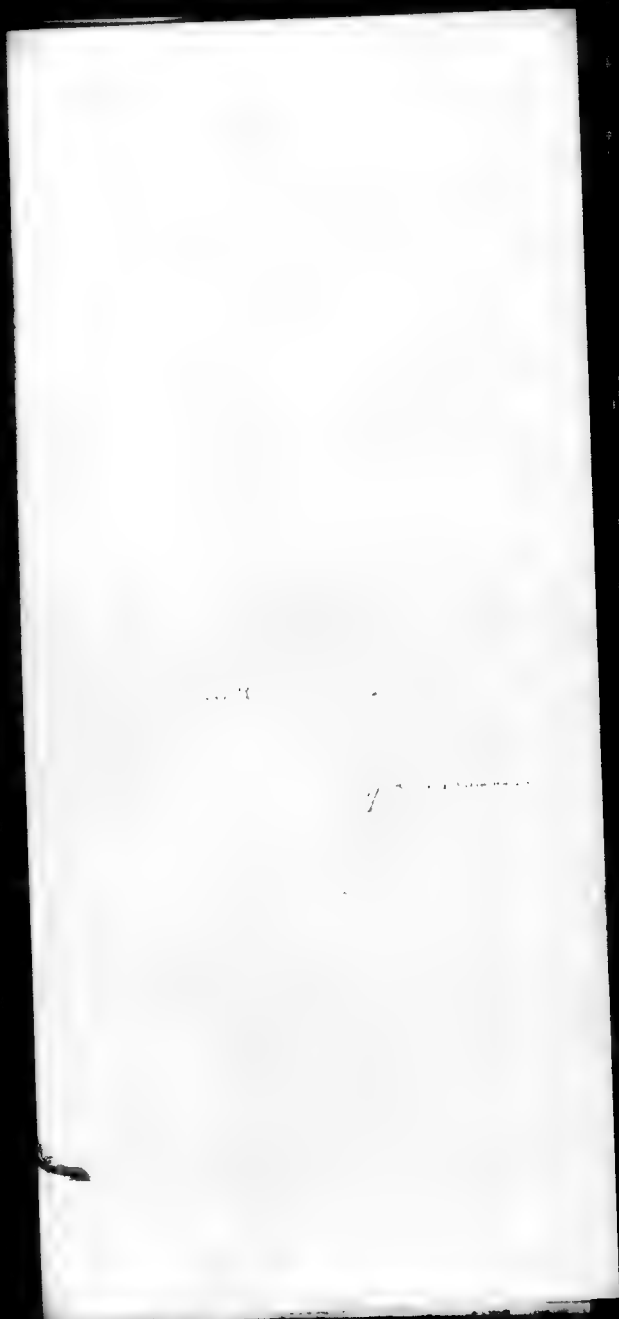
Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



Cherokee R-181

Muskogee, Indian Territory, April 17, 1902.

Annie Miller,

Ruby, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-181.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

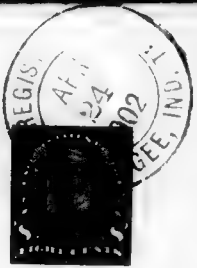
Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Annie Miller, Cherokee No. R 181, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Chas. T. ...
~~74~~
~~67~~



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

6659

James H. ...
Chas. T. ...

Jan. 10, 1902



Cher K. 182

Q 0772
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 28 1900

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 26, 1900.

In the matter of the application of John Eli for the enrollment of himself and wife as citizens of the Cherokee Nation; said Eli being sworn by Commissioner T.B. Needles, testified as follows:

Q What is your name? A John Eli.
Q What is your age, Mr. Eli? A 23.
Q Your post office address? A Ruby.
Q What district do you live in? A Coowaseeowee.
Q Are you a recognized citizen of the Cherokee Nation? A Adopted citizen, by intermarriage.
Q What is the name of your wife? A Mary Ellen.
Q You apply for her enrollment by blood? A Yes, sir.
Q What was her name before you married her? A Ellen Miller.
Q What was the name of her father? A Rufus Miller.
Q The name of her mother? A Hannah.
Q Are they living? A Yes, sir.
Q How old is your wife? A 17.
Q When did you marry her? A 29th day of July, 1900.
Q How long have you lived in the Cherokee Nation? A About five years.
Q How long has your wife lived in the Cherokee Nation? A All her life.
Q Do you apply for yourself? A I do not know.

1896 enrollment; page 506, #2082, Mary Ellen Miller, Delaware.

Com'r Needles:--Applicant applies for the enrollment of himself and wife. He avers that he was married to one Ellen Miller, a citizen by blood, in the year 1900, and that she is the daughter of Rufus and Hannah Miller, and he claims Cherokee citizenship for his wife through her father, Rufus. The name of his wife's father and mother do not appear upon the authenticated roll of 1880, but do appear upon the census roll of 1896. Their names have been placed by this Commission heretofore upon doubtful card No. 420, and reference is made to said card in this application. Consequently final judgment as to the enrollment of said Ellen Miller, will be suspended and her name will be placed upon a doubtful card, as was that of her father and mother.

Applicant applies for the enrollment of himself, and avers that he was married to said Ellen Miller in the year 1900, he being a non-resident. Said marriage having occurred too late under the laws of the Cherokee Nation for white persons to acquire citizenship by intermarriage with Cherokee citizens by blood, consequently the application of said John Eli for enrollment will be rejected.

---0000000000---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 26th day of September, 1900.

T. B. Needles

Commissioner.

B

1912.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1900



ARTHUR CHAPMAN

CHEROKEES BY BLOOD AND ADOPTION.

Name John Eli Date SEP 26 1900 1900. Ruby D.T.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name _____

District Ruby D.T. Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Married Certificate For Sam

Names of Children:

_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____

Husband of Ellen Eli nee Miller

1000



CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, **Charles A. Davidson**, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the **3** day of **Sept** **1900**, at **10** M., and duly recorded in Book **5**, Marriage Record, Page **67**.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this **4** day of **Dec** **1900**, A. D. ~~1899~~.

(Signed) **Chas A. Davidson** Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., **July 26** 190 **2**.

Stenographer to the above named Commissioner
I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of **John Eli**.

_____ as citizen of the Cherokee Nation.

Francis D. Bate
Commissioner.

117

MARRIAGE LICENSE.

A-162

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

No. 649

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. John Eli, of Ruby, in
the Indian Territory, aged 23 years, and Miss Ella Miller,
of Ruby, in the Indian Territory, aged 17 years,
according to law, and do you officially sign and return this license to the parties therein named.

Vinita
WITNESS my hand and official seal at ~~Muskogee~~ Muskogee, Indian Territory this 28 day of
July A. D. ~~1900~~ 1900

(SEAL)

(Signed) Chas A. Davidson

Clerk of the U. S. Court.

By (Signed) T.A. Chandler Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I, G. W. Jamison, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 29 day of July, A. D. ~~1900~~ 1900, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 16 day of August 1900 A. D. ~~1900~~

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book A, Page 284.

(Signed) G.W. Jamison.

A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES

REPORT
No. 14

1884

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John Eli, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 182, it is entitled John Eli, and is known as a Cherokee rejected application.

Respectfully,

SIGNED

T. E. Needles.

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.182.

(COPY)

Muskogee, Indian Territory, February 14, 1902.

Mr. John Eli,

Ruby, Indian Territory.

Sir:

On the 26th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 29th day of July, 1900 to one Ellen Miller, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 498):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all

other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;"

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It further appears from the testimony in this case that your marriage was authorized under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory, and that you were married in accordance with the laws of the United States.

The Cherokee law applicable in this case is as follows:

"Sec. 659:every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license

for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced."

"Sec. 660: Every white man or person applying for license as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation, who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character signed by the county clerk and sealed with the seal of the county of which he was last a voter'.

"Sec. 663: No marriage between a citizen of the United States, or of any foreign nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal;...."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles

Enclosure.
Register.

Assistant Commissioner.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1892

John Eli

8132

12 (1) Howling
(12)

17. 10. 1941

18. 10. 1941

19. 10. 1941

20. 10. 1941

21. 10. 1941

22. 10. 1941

23. 10. 1941

24. 10. 1941

25. 10. 1941

26. 10. 1941

27. 10. 1941

28. 10. 1941

29. 10. 1941

30. 10. 1941

31. 10. 1941

32. 10. 1941

33. 10. 1941

34. 10. 1941

35. 10. 1941

36. 10. 1941

37. 10. 1941

38. 10. 1941

39. 10. 1941

40. 10. 1941

41. 10. 1941

42. 10. 1941

43. 10. 1941

44. 10. 1941

45. 10. 1941

46. 10. 1941

47. 10. 1941

48. 10. 1941

49. 10. 1941

50. 10. 1941

L.R.S.

19541.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1855-1902.
D. C. 5765-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

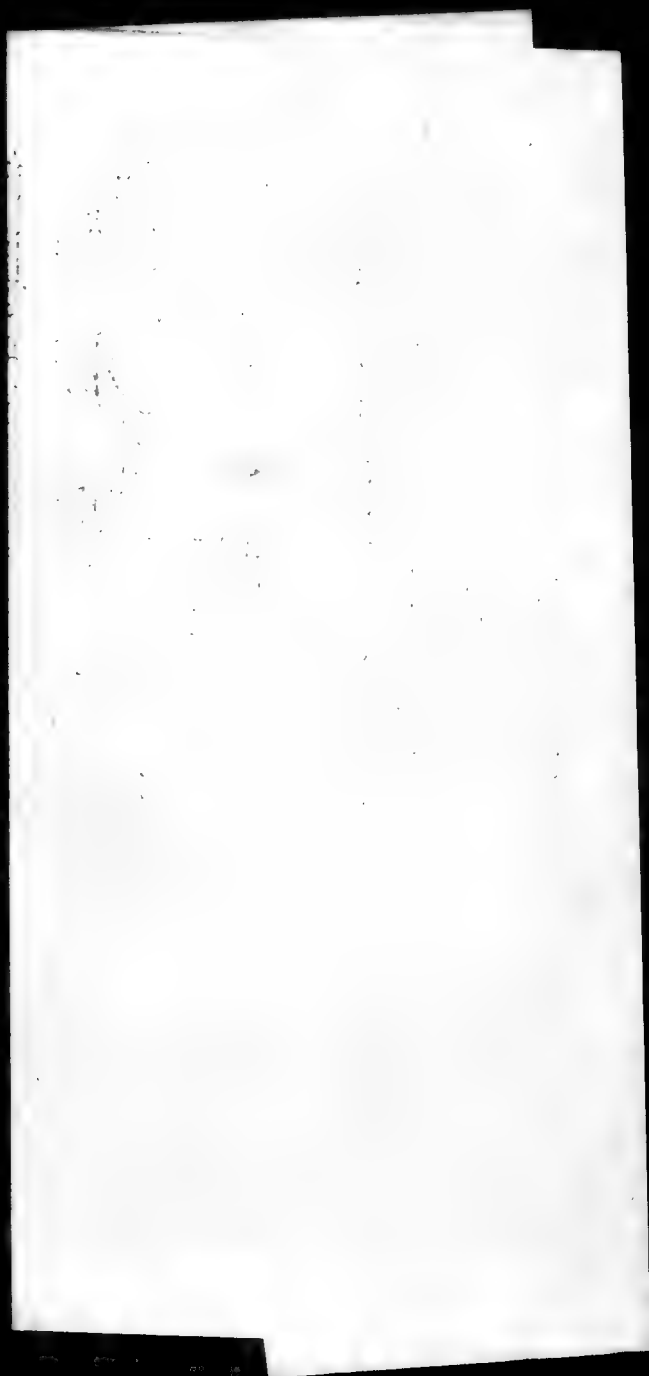
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton for enrollment as an intermarried citizen of the Cherokee Nation, R 8, you are advised that the application of John Eli, R 182, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.



L. R. S.

7.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1889-1902.
1889-1902.
D. C. 5780-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 30, 1902, (30 Stat., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659. * * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, ' Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * *".

-2-

"Sec. 860. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delaware or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 865. No marriages between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902,
recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
N.H.D.

1 inclosure.

DEPARTMENT OF THE
COMMISSION TO THE

AUG 13 1902

[Handwritten signature]

Cherokee-2-422.

Muskogee, Indian Territory, April 12, 1902.

Mr. John Eli,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-182.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John Eli, Cherokee No. R 182, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,


Acting Chairman.

Cherokee R-169

Muskegee, Indian Territory, July 28, 1902.

John Eli,

Ruby, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application your marriage license and certificate showing your marriage on July 29, 1890, to Miss Ella Miller.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-107.

Cher R 183

Cher R 183

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 24, 1900.

In the matter of the application of John H. Payton for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Payton being sworn by Commissioner C. R. Breckinridge, testimony as follows:

Q Give me your full name, please? A John H. Payton.
Q How old are you? A 30.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and two children.
Q Are you Cherokee by blood? A No, sir, adopted.
Q Your wife a Cherokee? A Yes, sir.
Q Show me your certificate.

The applicant presents a duly authenticated Cherokee license issued by the Clerk of Delaware District, September 29, 1896, authorizing his marriage to Miss Ida Mulcial, and the certificate shows that they were married in accordance with said license on October 14, of the same year, by T. M. Buffington, Judge Northern Judicial Circuit Cherokee Nation. This is filed herewith.

Q Have you lived with your wife ever since your marriage to her in 1896? A Yes, sir.

Q And lived in the Cherokee Nation? A Yes, sir.

Q How old is your wife? A 24.

Q Is she a native Cherokee? A Yes, sir.

Q Has she lived here all her life? A Yes, sir.

Q What is her father's name? A Mike Mulcial.

Q Dead or alive? A Dead Alive.

Q Her mother's given name? A She is dead. Nancy.

Q How long has she been dead? A 22 years.

Q Give me the names of your children, please? A Roy.

Q How old is he? A Three years old.

Q The next one? A Ream, one year old.

#1179.
1880 enrollment; page 456, #2222, Iddie Mucar, Going Snake.
1896 enrollment; page 516, #2410, Ida Payton, Delaware.
1896 enrollment; page 585, #437, John H. Payton, Delaware.

Dom'r Breckinridge:--The applicant applies for the enrollment of himself, wife and two children: His wife is identified on the roll of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life. Her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. When the Commission is supplied with proper certificates of the birth of the two children Roy and Ream, they also will be listed for enrollment as Cherokees by blood.

As to the application for the enrollment of himself. He is shown by the marriage license and certificate filed herewith, to have been married to his wife in the year 1896, and the marriage having occurred after the law of 1895, which prohibits the acquisitions of rights by marriage; consequently the application for his own enrollment is rejected.

--0000000000--

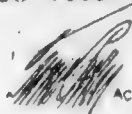
J. O. Ream, being first duly sworn, states that as stenographer to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of September, 1900.

Commissioner.

B
R183
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900


ACTING CHAIRMAN

SEP 26 1900 1900.

1900.

38
Name John A. Payton Smith, Jr. Date _____ 1900

District _____ DELAWARE. Year 1896 Page 573 No. 43

Citizen by blood **Mother's citizenship**

Intermarried citizen *Yes*

Married under what law Cherokee Date of marriage 10/10

License _____ Certificate _____

Wife's name Sika Wobye

District _____ Year _____ Page _____ No. _____

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License *Filed* 6-10-1961 Certificate *Filed*

Names of Children:

Dist. Year .. Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Year .. Page . No. Age.....

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. _____ Year _____ Page..... No. .. Age.

Dist. 1 Year 1 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Marriage license and cert. attached

Age 25 5 5

H. 183.

MARRIAGE LICENSE.

Cherokee Nation, Delaware District.

TO ANY PERSON LEGALLY AUTHORIZED—SHEPHERD:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. John H. Payton, a citizen of the United States, and Miss Ida Mulsoirl, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office this the 29th day of September, 1896.

(SEAL)

J. R. Hastings,
Clerk Delaware District.

Vinita, I. T.
10-14-96.

J. R. Hastings,
Clk. Del. Dist. C. N.,

This is to certify that I solemnized the rights of matrimony between the contracting parties herein contained, and return to you for record, on this the day first above written.

Respectfully,

T. M. Buffington,
Judge Northern
Judicial Circuit
C.N.

(SEAL)

Recorded on 26 day of Oct. 1896.

I, Arthur G. Croninger, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the marriage license and certificate of John H. Payton and Ida Mulsoirl.

Arthur G. Croninger

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John H. Payton, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. P. 183, it is entitled John H. Payton, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R.183.

(copy)

R 123

Muskogee, Indian Territory, February 14, 1902.

Mr. John H. Payton,

Vinita, Indian Territory.

Sir:

On the 26th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 14th day of October, 1896, to one Ida Mulcial, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents

were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter married white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669 inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees

by blood, Delawarean, or Shawnee by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles

T. B. Needles.

Enclosure.

Register.

~~Acting Commissioner.~~

Commissioner in Charge.

1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

1

FEB 14 1902

John H. Payne

R 183.

D.C. No. 5956

T. P.

F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 2058-1902.

L.R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John H. Payton, R 183, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary,

D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

R-183

Muskogee, Indian Territory, April 22, 1902.

Mr. John H. Payton,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-185.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Mastig, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February, 14, 1902, rejecting the application of John H. Payton, Cherokee No. R 185, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

One, 1881.

Muskogee, Indian Territory, June 4, 1902.

John R. Parton,

Pensacola, Indian Territory.

Dear Sir:

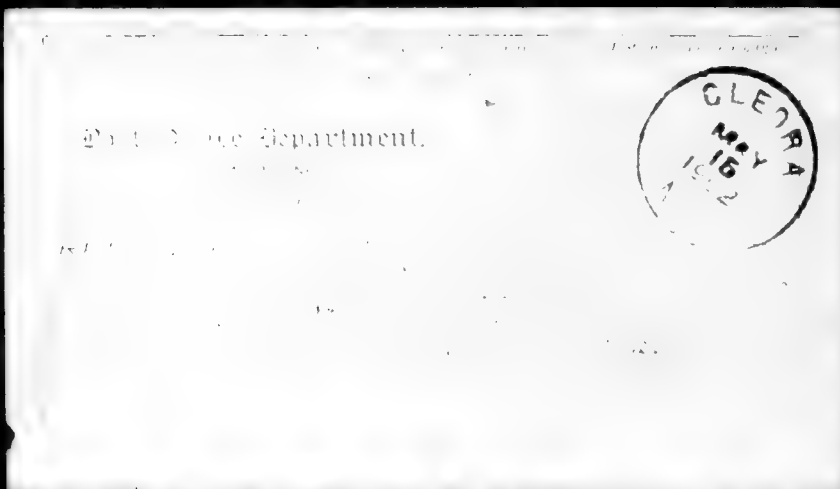
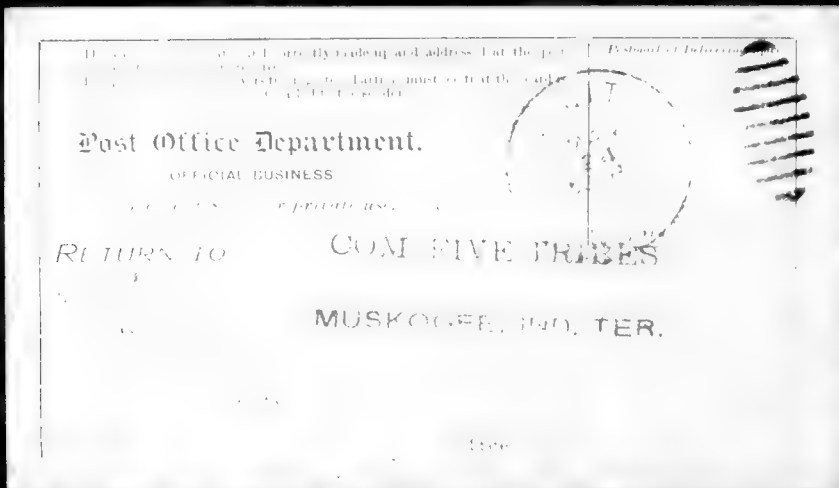
Receipt is hereby acknowledged of your letter of the 24th ultimo,
requesting the return of your marriage license and certificate.

You will find the same enclosed herewith.

Yours truly,

Acting Chairman.

Encl. C-38 1/2.



Received from the Postmaster General
 Registered Letter No. 6689 from
 Atlanta, Ga. to John H. Patton
 Date Jan 11 1901
 John H. Patton
 John H. Patton

Clear, P.



Q 104
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 29 1968

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, IT., SEPTEMBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Josephine Hulsey for the enrollment of her husband, Jake R. Hulsey, as a citizen of the Cherokee Nation, and the said Josephine Hulsey, being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q Give me your full name please? A Josephine Hulsey.
Q Give me your age? A Forty two.
Q Your Postoffice? A Klaus.
Q What district do you live in? A Delaware.
Q Who is you want to enroll now; your husband? A Yes sir.
Q What is his name? A Jake R. Hulsey.
Q Cherokee or white man? A White man.
Q How old is he? A Thirty five.

The applicant presents a Cherokee license, issued by the Clerk of Saline District, authorizing marriage between Jake Hulsey and miss Josephine Hulsey on the 11th day of August, 1897, and the certificate shows that they were married by the Clerk of the District in accordance with the said license on the same date of the license.

Q Has your husband lived with you ever since hamearried you in 1897? A Yes sir?

Q And is living with you at this time? A Yes sir.

As the testimony shows; Jake Hulsey was married to his wife too late to be entitled to enrollment, having been married after the well known ~~law~~ Cherokee law of 1895, prohibiting the further acquisition of Cherokee rights by intermarriage. His wife has just been enrolled in her own right, and no difficulty would attach from that cause.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens

Subscribed and sworn to before me this 29th day of September, 1900.

C. R. Breckinridge

COMMISSIONER.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

SEP 26 1900

1900.

35 Jake Hulsey

Date

March 27

Name

District

Year

Page

No.

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Cherokee

Date of marriage

1897

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

72154

3567

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Jake H. Hulsey, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 184, it is entitled Jake H. Hulsey, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 184.

(COPY)

R 184.

Muskogee, Indian Territory, February 14, 1902.

Mr. Jake H. Hulsey,

Klaus, Indian Territory.

Sir:

On the 26th day of September, 1900, your wife, Josephine Hulsey, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 11th day of August, 1897, to your said wife, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 25, 1896, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other

persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895.

It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire, by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 689 to Sec. 699, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in

persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) *T. B. Needles*

Enclosure.

Register.

Arthur Channing

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

W. H. Hulse

R 184

D.C. No. 5956

T.P.
F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 2059-1902

L.R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Jake H. Hulsey, R 164²⁴, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary,
D.L.

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 3, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee B-184

Muskogee, Indian Territory, April 17, 1902.

Mr. Jake Hulsey,

Klaus, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.
TANS BIRDY.
THOMAS B. NEEDLES.
C. R. BASHLINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-184.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

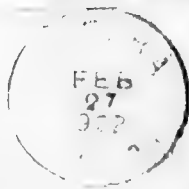
Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Jake H. Mulvey, Cherokee No. R 184, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Coastline Department.



1000

STOPPED RECEIPT.

C. A. Lewis Jr.

1000

1000

1000



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. Sep tember 27th, 1900.

IN THE MATTER OF THE APPLICATION OF EZEKIEL FIELDS FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN, AS CHEROKEE CITIZENS.

The said Ezekiel Fields, being sworn and examined by commissioner T. E. Needles testified as follows:

Q What is your name? A Ezekiel Fields.
Q How old are you? A I will be fifty in November.
Q What is your postoffice address? A Big Cabin.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee nation?
A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A About one-eighth.
Q For whom do you apply for enrollment? A Me and my wife and kids.

Q What is the name of your wife? A Liney.
Q Is she a white person? A Yes, sir.
Q What was her name before you married her? A Marshall.
Q When did you marry her? A About nine months ago.
Q You were married in 1899? A Yes, sir.
Q What is her age? A Twenty-three.
Q Have you any certificate of marriage? A Yes, sir.
THE COMMISSIONER: The applicant presents a marriage certificate and license; the certificate certifying that he was married according to the laws of the United States on the 2nd day of December, 1899.

Q What is the name of your child? A Ines L.
Q How old is she? A She is about ten days old.

THE COMMISSIONER: The applicant presents satisfactory proof of birth as to his child by said marriage, Ines L.

1880 Roll, page 258, No. 1950, Ezekiel Fields, Delaware District.

1896 Roll, page 471, No. 1173, Ezekiel Fields, Delaware District.

Q Were you ever married before this time?
A Yes, sir.
Q What was your wife's name? A Kliz abeth.
Q How long have you lived in the Cherokee nation?
A Always. All my life.

THE COMMISSIONER: The name of the applicant, Ezekiel Fields appears upon the authenticated roll of 1880 as well as the census roll of 1896. He avers that he was married to one Liney Marshall, and presents a certificate of marriage to that effect, a white person, in the year 1899, and that he has one child by said wife, Ines L., and he presents satisfactory proof of birth as to said child. He being duly identified according to the page and number of the roll as indicated in the testimony, and having made satisfactory proof as to his residence, the said

Isaac P. P. and his child, Isaac L., will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

The testimony showing that he was married to his wife, Linsey Marshall, in the year 1890, too late to receive any benefits or rights of citizenship by reason of the said marriage, the application for the enrollment of his said wife will be rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and the proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of October 1900.

M. S. P. Shea
W. H. P. Shea
Commissioner.

B 9185-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 27 1900

Name 1214, Raven DS

District Year Page No.

Citizen by blood . . . Mother's citizenship . . .

Intermarried citizen ...

Married under ~~what~~ law. Date of marriage

Licenses **Certificate**

Wife's name Emily Phelps me Marsha

District 1 Year 1998 Page 1 No. 1

Citizen by blood	Mother's citizenship
------------------	--------------------------------

Intermarried citizen *Yes* ..

Married under what law Date of marriage

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. 1 Year 1911 Page 1 No. 1 Age 1

Dist. Year Page No. Age

Dist.	Year	Page	No.	Age
-------	------	------	----------	-----

~~Disc~~ Year Page No. Age

Dist.	Year	Page . . .	No.	Age .
-------	------	------------	-----	-------

Dist.	Year	Page.....	No. ..	Age.....
-------	------	-----------	--------	----------

Dist.	Year	Page....	No.	Age ..
-------	------	----------	-----	--------

Dist.	Year	Page	No.	Age ..
-------	------	------	-----	--------

Dist.	Year	Page	No.	Age.
-------	------	------	-----	------

Wife of Ezekiel Cook

72155

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Liney Fields, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 185, it is entitled Liney Fields, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. D. Needles.*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 185.

(COPY)

R 185

Muskogee, Indian Territory, February 14, 1902.

Mrs. Liney Fields,

Big Cabin, Indian Territory.

Madam:

On the 27th day of September, 1900, your husband, Mackiel Fields, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 22nd day of December, 1899, to your said husband, a citizen by blood of the Cherokee Nation, in accordance with the laws of the United States; that you are not on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress, approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their

Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1899. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions

of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of law conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~Wm. Bixby~~ T. B. Needles.

~~Assistant Commissioner.~~

Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1900

Linear Fields

P. 185.

D.C. No. 5960

T.P.
F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 1856-1902

L.R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R. 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Liney Fields, R 185, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty,

Respectfully,

Thos. Ryan,

Acting Secretary

D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 10, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-185

Muskogee, Indian Territory, April 17, 1902.

Mrs. Liney Fields,

Big Cabin, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-185,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. V. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Liney Fields, Cherokee No. R 185, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Post Office Department.

OFFICIAL BUSINESS

RETURN TO

MUSKOGEE

GA.

Post Office Department.

OFFICIAL BUSINESS

MUSKOGEE

1

REGISTRY RETURN RECEIPT.

Received from the Post Office at

Box 6625

Attn

Date

W

A

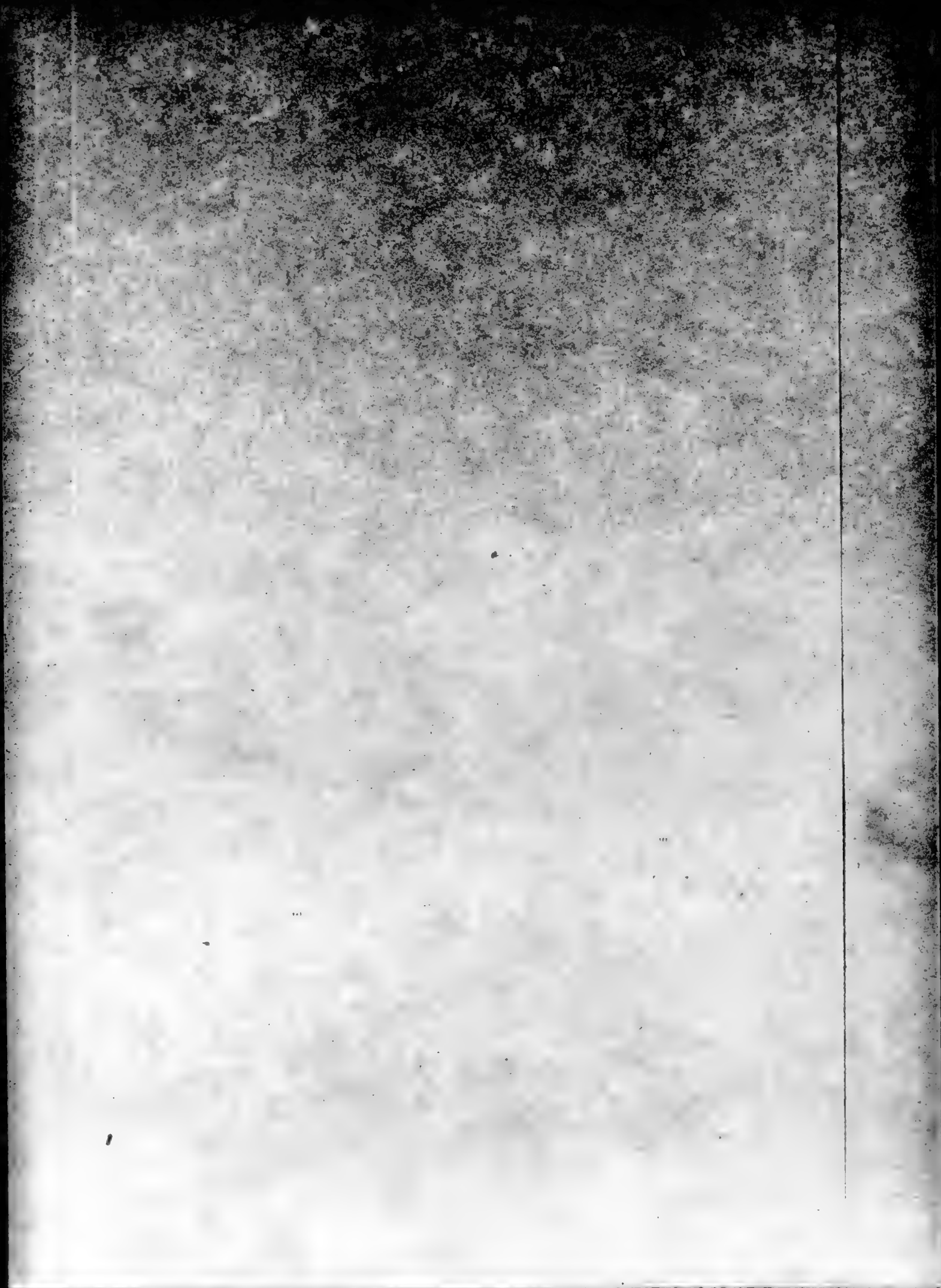
W

REGISTRY RETURN RECEIPT.

Big Cabin, Mo.

2274

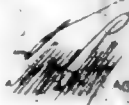
Mrs. Lucy Field



NT OF THE INTERIOR
THE FIVE CIVILIZED TRIBES.

FILED

SEP. 28 1900



ACTING CHAIRMAN.

R 186

REJECTED AS TO WIFE, REBECCA J.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T. September 27, 1900.

In the matter of the application of William C. McGrary for the enrollment of himself, wife and two children as Cherokee citizens; being sworn and examined by Commissioner Brockinridge he testified as follows:

Q What is your full name? A William C. McGrary.
Q How old are you? A 25.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself, wife and two children.
Q You apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood do you claim? A 1/8.
Q Is your wife a Cherokee? No sir.
Q What is her name? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q From what district were you enrolled in 1880? A Cooweescoowee.
Q 1886 in what district? A Cooweescoowee.
Q Give me your wife's name? Rebecca J.
Q How old is she? A 23.
Q When did you marry her? A December 1895.
Q What time in December? A 22nd.
Com'r Brockinridge: The applicant presents duly authenticated certificate of marriage between himself and his wife, as stated by him, the ceremony being performed by the Rev. W. S. Browning on December 22, 1895; this is true herewith.
Q Give me the names, please, of your children? A Willie Amanda.
Q How old is that child? A 4 years old.
Q Next child? A David Emets.
Q How old is he? A 2 years old.
Q Both living? A Yes sir.
1880 roll page 133 #1345 William C. McGrary Cooweescoowee Dist, native;
1896 roll page 207 #37 William C. McGrary Cooweescoowee Dist;
1896 roll page 315 #686 Rebecca C. McGrary Cooweescoowee Dist;

Com'r Brockinridge: The applicant applies for the enrollment of himself, his wife and two children; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. His wife is shown to have been married to him on December 22, 1895; she is identified with him on the roll of 1896 ~~and she continues to live with her husband and wife~~, but the marriage occurs after the Cherokee law of 1895 prohibiting the acquisition of rights of citizenship by intermarriage and hence the application for her enrollment is rejected. When proper certificates are supplied the Commission of the fact of the two children whose names are given in the testimony and who are not of sufficient age to be upon any roll, these children will be listed for enrollment as Cherokees by blood.

W.D. STEWART, Assistant Commissioner, states that as stated above to the Commission to the Five Civilized Tribes he correctly received the testimony of the applicant and that the foregoing is a true and correct transcript of the same. He also notes the receipt of the same on this 28th day of Sept 1900.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1900

[Handwritten signature]

ATTY. GEN. CHAIRMAN

" " "
[Handwritten symbol]

K 186

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date 1900.

Name _____

District _____

Citizen by blood Mother's birthplace Page No.

Intermarried citizen 10

Married under what law Date of marriage

License _____ **Certificate** _____

Wife's name Rebecca L McLean 7/1/49

District

Citizen by blood Yes Mother's citizenship Yes

Intermarried citizen. *Wife*

Married under what law _____ Date of marriage Dec. 22, 1993

License _____ Certificate File

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. 1 Year 1900 Page 1 No. 1 Age 1

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year. Page No. Age

Dist.	Year	Page	No.	Age
---------------	------	----------------	-------------	---------------

Dist.	Year	Page.....	No.....	Age
-------	------	-----------	---------	-----

Dist. . .	Year	Page....	No.....	Age
-----------	------	----------	---------	-----

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. Year Page No. Age
 In 1846 Poll as Tobacco
 marriage but not the
 McCrany

R 1504

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Rebecca J. McGrary, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. B. 186, it is entitled Rebecca J. McGrary, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *E. B. Meddies.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 186.

(COPY)

R 186

Muskogee, Indian Territory, February 14, 1902.

Mrs. Rebecca J. McCrary,

Vinita, Indian Territory.

Madam:

On the 27th day of September, 1900, your husband, William C. McCrary, appeared before the Commission to the Five Civilized Tribes, and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 22nd day of December, 1895 to your said husband, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal

authorities, and who were miners when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1898. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 489 to Sec. 499, inclusive pages 229 to 234 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in

persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delaware, or Shawnee by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~W. B. Woodlee~~ *T. B. Woodlee*.

~~Assistant Commissioner.~~

Commissioner in Charge.

Enclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED 11 1902

Rebecca

D.C. No. 5955

T.P.
F.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 2060-1902

April 3, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R. 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Rebecca J. McCrary, R 186, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty,

Respectfully,

Thos. Ryan,

Acting Secretary,

D.L.

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-186

Muskogee, Indian Territory, April 17, 1902.

Rebecca J. McGrary,

Vinita, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-B-186.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

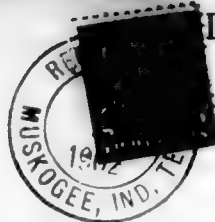
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Rebecca J. McGrary, Cherokee No. R 186, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

No 222
218

UNOLATIM

2505



Mrs. Rebecca J. McGarry,

Vinita,

Indian Territory.

Department of the Interior.

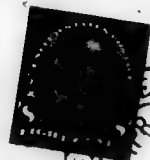
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

No. 500
448



6077

Rebecca J. McGarry
Vinita
Indian Territory

This card must be correctly stamped and addressed at the post
 office to which it is sent. It is not to be used for any other purpose.
 It is not to be used for any other purpose.

Post Office Department.
 OFFICIAL BUSINESS

Priority 15.00 for pre-paid use.

RETURN TO:

COMM. FIVE TRADES

State

This card must be correctly stamped and addressed at the post
 office to which it is sent. It is not to be used for any other purpose.
 It is not to be used for any other purpose.

Post Office Department.
 OFFICIAL BUSINESS

Priority 15.00 for pre-paid use.

RETURN TO:

COMM. FIVE TRADES

State

REGISTRY RETURN RECEIPT.

Unità 17

2505

Mrs Rebecca J. McCraig

REGISTRY RETURN RECEIPT.

Unità 17

R 6671

110

110



ALBION M. WELLS

THE INTERIOR
VE CIVILIZED TRIBES
ED
B:1900

ACTIVE CHAIRMAN

187

DEPARTMENT OF THE INTERIOR.

CONSIDERING THE FIVE CIVILIZED TRIBES.

Winita, I.T. September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF VERNON W. SCOTT FOR THE
RECOGNITION OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Vernon W. Scott, being sworn and examined by
Commissioner W. H. Woodlief, testified as follows:

Q What is your name? A Vernon W. Scott.
Q What is your age? A Twenty-eight.
Q What is your present place? A Coffeyville, Kansas.
Q What district do you live in? A Coward County
district.

Q Are you a recognized citizen of the Cherokee Nation?
A By adoption.

Q By intermarriage? A Yes, sir.
Q What is the name of your wife? A Lula Scott.
Q What was her name before you married her? A West.
Q How old is she? A Twenty-four.
Q Is she a citizen by blood? A Yes, sir.
Q What degree of blood has she? A About one fourth,
I think.

Q When did you marry her? A I first married her in
1898, under the United States law, and in 1899 under the
Cherokee law.

Q Have you the 1898 certificate of marriage? A Yes, sir.
THE COMMISSIONER: The applicant presents a duly authenticated
marriage license and marriage certificate certifying that he
married Miss Vernon Scott, nee Lula West, on the 15th of November,
1898.

Q What are the names of your children? A Ethel W.
Q How old is she? A Seven years old.
Q The name of the next one? A George E.
Q How old is he? A About five or six, I think. Five,
I think.

Q What is the name of the next one?

A James A.

Q How old is he? A He is three years old.
Q Have you got any more children? A Yes, sir.
Q What are their names? A Clarence.
Q How old is Clarence? A Two years old.

Q What are my middle names? A I think he has, but I don't
know. Clarence I., it is.

Q What is the name of the next one? A Myrtle.
Q How old is Myrtle? A She is about six months old.
Q Are these children all alive and living with you?

A Yes, sir.

Q Have you got any proof of birth as to these last two chil-
dren? A Yes, sir.

THE COMMISSIONER: The applicant presents satisfactory proof
of birth of his two younger children, Myrtle and Clarence I. Scott.

Q What is the name of your wife's father? A Marcellus West.

Q What is the name of her mother? A Delila.

Q Both living? A Yes, sir.

Q How long have you been living in the Cherokee Nation?

A About fourteen or fifteen years.

Vernon E. Scott

Q Continuously? A Yes, sir.

1880 Roll, page 677, No. 1286, Lula West, Saline District.

1896 Roll, page 323, No. 323, Vernon Scott, Coconino District.

1896 Roll, page 325, No. 325, Ethel Scott, Coconino District.

1896 Roll, page 255, No. 4225, George E. Scott, Coconino District.

1896 Roll, page 255, No. 4416, James A. Scott, Coconino District.

1896 Roll, page 325, No. 4407, Lula Scott, Coconino Dist.

THE COMMISSIONER: The name of Vernon W. Scott appears upon the census roll of 1896. He avers that he was married according to the laws of the Cherokee Nation to one Miss Lula West in the year 1896, having theretofore been married to her according to the laws of the United States, and the name of his wife Lula West is found upon the authenticated roll of 1890. Her name is also found upon the census roll of 1896 by her present name. The names of the children, Ethel W., George E., and James A. are found upon the census roll of 1896, and he presents satisfactory proof of birth as to his two youngest children, Clarence I., and Myrtle, they having been born since the census roll of 1896 was compiled.

Satisfactory proof having been made as to their residence, and they being duly identified according to the page and number of the roll, as indicated in the testimony, the said Lula Scott and her children, Ethel W., George E., James A., Clarence I., and Myrtle, will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

The testimony shows that the said Vernon W. Scott was married to his wife Lula in the year 1896, too late under the laws of the Cherokee Nation for intermarried citizens to acquire any rights as citizens, and his application for the enrollment of himself as hereby rejected.


The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of October
A. D. 1907.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

 ACTING CHAIRMAN

" " "
B R 187

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900

Name: Wm. M. Scott

District COOWEESCOOWEE.

Year 1945 Page 23 No. 892

Citizen by blood **Mother's citizenship**

Intermarried citizen USA

Married under what law Date of marriage

License _____ **Certificate** _____

NAME

District _____ **Year** _____ **Page** _____ **No.** _____

Citizen by blood *(4/5)* **Mother's citizenship**

Intermarried citizens

Married under what law Date of marriage

License

Names of Children:

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dis. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist.	Year	Page	No.	Age
-------	------	------	-----	-----

Dist.	Year	Page.....	No.....	Age.....
-------	------	-----------	---------	----------

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year.. Page..... No. Age.....

R187

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Vernon W. Scott, refused by the Commission under the provisions of the Act of Congress approved June 26, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 187, it is entitled Vernon W. Scott, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. O-R. 187.

(COPY)

R 187

Muskogee, Indian Territory, February 14, 1902.

Mr. Vernon W. Scott,
Coffeyville, Kansas.

Sir:

On the 28th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married in 1893 to one Lulu West, a citizen by blood of the Cherokee Nation. It is further shown that you were married in accordance with the laws of the United States; that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 498):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee

blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The law regulating marriages between non citizens and citizens, is as follows:

"Section 689:every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced."

"Sec. 660: Every white man or person applying for license as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said clerk, a certificate of good moral character signed by at least ten (10) respectable citizens of the Cherokee Nation, who are Cherokee, Delaware or Shawnee by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character signed by the county clerk and sealed with the seal of the county of which he was last a voter'.

"Sec. 661: No marriage between a citizen of the United States, or of any foreign nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal;..."

It is further shown that you were subsequently married to the same woman, in the year 1896, in accordance with the laws of the Cherokee Nation.

The Cherokee law applicable in this case was passed by the National Council of the Cherokee Nation, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delaware or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire, by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delaware or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case, the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

I. B. Needles.

By (Signed) _____

Enclosure

Register

Commissioner in Charge.

FEB 1 1902

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1857-1902.
D. O. 6204-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Vernon W. Scott, R 187, for enrollment in said nation, as an intermarried citizen, is hereby rejected because he was married in accordance with Cherokee law subsequent to the Cherokee law of December 16, 1895, which provides that thereafter non-citizens marrying citizens of the nation should acquire no rights in the nation except political.

Respectfully,

Thos. Ryan,
Acting Secretary.
D. L.

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 31, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-187

Muskogee, Indian Territory, April 17, 1902.

Mr. Vernon W. Scott,
Coffeyville, Kansas,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXTY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE.

ALLISON L. ATLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-2-187.

ADDRESS ONLY -
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Vernon W. Scott, Cherokee No. R 187, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

REGISTRY RETURN RECEIPT.

Received from *Post Office*

Registered *6694* *100*

Amount *6694*

Date *190*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

By *Vernon W. Dett*

For *Vernon W. Dett*

To *Vernon W. Dett*

At *Vernon W. Dett*

On *Vernon W. Dett*

For *Vernon W. Dett*

Post Office Department.

RETURNED



Place in on the neatly and correctly made up and addressed at the post
office with the postage paid.

The postmaster will deliver the registered article in person that the
postage is not to be paid and made by the sender.

Postmark at delivery

Post Office Department.

OFFICIAL BUSINESS

Penalty of \$ 100 for private use



RETURN TO

Name

COM. FIVE TRIBES.

Street and Number

MUSKOGEE, IND. TER.

P. O. Office

P. O. Office

County

State

REGISTRY RETURN RECEIPT.

Received of

Coffeyville Kan

2535

Wm W Scott

Date

PM

W W Scott

G G Scott



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE SEVEN CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 28th, 1900.

IN THE MATTER OF THE APPLICATION OF Thomas W. Beets, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Thomas W. Beets.
Q What is your age? A Twenty seven.
Q What is your Postoffice? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself, wife and two children.
Q Do you apply for yourself as a Cherokee by blood? A
A By adoption.
Q Is your wife a Cherokee? A Yes sir.
Q Show me your marriage license and certificate?
The applicant presents a duly authenticated Cherokee license, and certificate, showing that he was ~~married~~ licensed by the Clerk of Cooweescoowee District, September 8th, 1896, to marry Augusta Blevins, the later a citizen of the Cherokee Nation. The certificate shows that they were married in accordance with said license on October 11th, of the same year, by the Reverend J. M. Wheeler: This document is filed herewith.
Q Have you lived with your wife ever since you married her in 1896? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
Q How old is your wife? A Twenty one.
Q Is she a native of the Cherokee Nation? A Yes sir.
Q What is the name of her father? A Jack Blevins.
Q Is he dead or living? A He is dead.
Q How long has he been dead? A Two years.
Q The name of her mother? A Nancy Blevins.
Q Dead or living? A She is living?
Q Cherokee or white woman? A Cherokee.
Q In what district did your wife live in 1880? A Delaware I think.
Q Give me the names of your children? A Bertha.
Q How old is she? A Three years old.
Q The name of the next child? A Everett Ray.
Q How old is that child? A One year old.
Q Both living? A Yes sir.
(1880 Roll, Page 218, #81, Augusta Blevins, Delaware D'st)
(1896 Roll, Page 444, #436, Augusta Beets, Delaware D'st)
(1896 Roll, Page 565, #13, Thomas W. Beets, Delaware D'st)

The applicant applies for the enrollment of himself, his wife and two children: His wife is identified on the rolls of 1880 and 1896, as a native Cherokee: Her change of name is established by marriage license and certificate filed herewith: She has lived in the Cherokee Nation all her life: Her marriage is shown to have taken place with her husband, as attested by the license and certificate: She will now be listed for enrollment as a Cherokee by blood. And when proper certificates of the birth for her children, Bertha and Everett Ray, are supplied the Commission, they, with their mother will be listed for enrollment as Cherokees by blood.

The applicant is shown to have married his wife in 1896, and, his marriage having taken place after the Cherokee law of 1895, December 16th, prohibiting the further acquirement of Cherokee citizenship by intermarriage: He is identified with his wife on the roll of 1896. The application for his own enrollment is rejected.

The undersigned, being sworn, states that an stenographer to the

Commissioner of the General Land Office, at Washington, D.C., he currently received the
tentative and preliminary in his case, and that the foregoing is a
true and correct copy of his stenographic notes thereof.

C. A. Granger

Subscribed and sworn to before me
this 1st day of October, 1900.

C. A. Granger

COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

"
"
B

[Signature]

ACTING CHAIRMAN.

188

COOWEESCOOWEE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

Name

1 27 Thomas W. Beets, Vinita D.

DELAWARE.

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

2 Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

72 158

COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED
JUL 26 1902

B-188

[Signature]

MARRIAGE LICENSE

CHEROKEE NATION, COOWESCOOWEE DISTRICT.

To any person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Thomas W. Beets, a citizen of the United States, and Augusta Blavina, a citizen of the Cherokee Nation, and you are required to return this license to me within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this 8th day of September

1896.

(Signed) Joe M. Lohay.

Clerk Coowescoowee District.

(SEAL)

I hereby certify that I a preacher did solemnize the rite of Marriage between the parties named in the within license, in Vinita, I. T. Oct. 11-1896.

(Signed) J. M. Wheeler.

Recorded on page 173 in Book "B" Records of Marriages of Coowescoowee District Cherokee Nation.
In witness whereof I hereunto set my hand and seal of office on this the 28th day of Oct. 1896.

(Signed) Joe M. Lohay, Clerk.
Coowescoowee District, Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T. July 26, 1902.
I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Thomas W. Beets as a citizen of the Cherokee Nation.

B-188

MARRIAGE LICENSE.

CHEROKEE NATION, COOWEESCOOWEE DISTRICT.

To any Person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Thomas W. Beets, a citizen of the United States, and Augusta Elovins, a citizen of the Cherokee Nation, and you are required to return this License to me within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this 8th day of September 1896.

(SEAL)

(Signed) Joe M. Lahay.
Clerk Cooweescoowee District.

I hereby certify that I a preacher did solemnize the rite of Marriage between the parties named in the within license, in Vinita, I. T. Oct. 11-1896.

(Signed) J. M. Wheeler.

Recorded on page 173 in Book "E" Records of Marriages of Cooweescoowee District Cherokee Nation.

In witness whereof I have set my hand and seal of office on this the 28th day of Oct. 1896.

(Signed) Joe M. Lahay, Clerk.
Cooweescoowee District, Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T. July 26, 1902.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Thomas W. Beets as a citizen of the Cherokee Nation.

Francis D. Taylor

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Thomas W. Beets, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. E. 188, it is entitled Thomas W. Beets, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 188.

(COPY)

R 188

Muskogee, Indian Territory, February 14, 1902.

Mr. Thomas W. Beets,

Vinita, Indian Territory.

Sir:

On the 28th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 11th day of October, 1896 to one Augusta Elevins, a citizen by blood of the Cherokee Nation; that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the rolls of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so

admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;:::....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees

by blood, Delawares, or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed".

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) ~~W. B. Needles~~, *T. B. Needles.*

Enclosure.

~~Attest~~

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

1888

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2061-1902.
D. O. 6223-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Thomas W. Beets, R 188, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Cherokee R-188

Maskogee, Indian Territory, April 17, 1902.

Mr. Thomas W. Beets,

Vinita, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS S. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-B-188.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

V. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Thomas W. Beets, Cherokee No. R 188, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee B-106.

Muskogee, Indian Territory, July 28, 1902.

Thomas W. Beets,
Vinita, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application your marriage license and certificate showing your marriage on October 11, 1896, to Augusta Blevins.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-106.

22 1/8



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Mr. Thomas H. Ince,~~
Winita,
Indian Territory.

U.S.



Post Office Department.
OFFICIAL BUSINESS.

Post Office Department.

OFFICIAL BUSINESS.

Post Office Department.

RETURN TO

COM. FIVE TRIBES.

MUSKOGEE, ALABAMA.



Post Office Department.

OFFICIAL BUSINESS.

REGISTRY RETURN RECEIPT.

Form No. 1549

Received from the Postmaster at

Vinila St.
Denver, Colo.

Registered Letter No. *6672* from

Addressed to *Thomas W. Butts*
New York, N.Y.

Date *190*

Thomas Butts
Signature of addressee

When it is necessary to
change the address, both
of the address and of the
signature must appear on this
receipt.

A registered article must be delivered at the time of delivery. When the above receipt has been properly used, it must be postmarked with the date of delivery and
actual date of delivery at the office of the postmaster.

REGISTRY RETURN RECEIPT.

Form No. 1549

Received from the Postmaster at

Vinila St.
Denver, Colo.

Registered Letter No. *3493* from

Addressed to *Thomas W. Butts*
New York, N.Y.

Date *190*

Cher R 117

Cher R 117

187
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRE CIVILIZED

FILED
OCT 19 1900

VIA REGISTERED MAIL

DATE RECORDED
THE FOLLOWING IS A TRUE AND COMPLETE TRANSCRIPT OF HIS TESTIMONY
RECORDED IN THE TESTIMONY EMPLOYED IN THIS CASE, AND
SUBMITTED TO THE COMMISSION TO THE FIRE CIVILIZED TRIBES, AND THAT HE
O. HENRY, BEING FIRST SWORN, STATES THAT AN AGENCY-

RECORDED AND SWORN TO BEFORE ME THIS 19th DAY OF OCTOBER, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, ILL., SEPTEMBER 20, 1900.

In the matter of the application of Alvin Davidson for the enrollment of himself and wife as citizens of the Cherokee Nation, said Davidson being sworn by Commissioner C. R. Breekinridge, testified as follows:

- Q Give me your full name, please? A Robert Alvin Davidson.
Q How old are you? A 23.
Q What is your post office? A Bluejacket.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A My wife.
Q Do you want to put yourself on? A Yes, sir.
Q Do you apply for yourself as a Cherokee by blood? A No, sir, white man.
Q Is your wife Cherokee? A Yes, sir.
Q What proportion of Cherokee blood do you claim for her? A One thirty-second.
Q Have you you marriage license and certificate? A Yes, sir.
The applicant presents a duly authenticated United States Marriage license, issued by the Clerk of the United States Court, Indian Territory, Northern District, under date of December 20, 1899, authorizing him to marry Miss Nevada M. Harrison. The certificate shows that they were married in accordance with said license on the same date as the license, by James R. Sheehan, Mayor of Vinita. This is filed herewith.
Q You and your wife have lived together ever since your marriage, have you? A Yes, sir.
Q And lived in the Cherokee Nation? A Yes, sir.
Q How old is your wife? A 24.
Q Is she a native of the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q What was her father's name? A David William Harrison.
Q Dead or alive? A Alive.
Q Her mother's name? A Mary Ann.
Q Dead or alive? A Alive.

1880 enrollment; page 268, #1289, Zada Harrison, Cooweescoowee.
1896 enrollment; page 178, #2296, Nevada Harrison, Cooweescoowee.

Com'r Breekinridge:--The applicant applies for the enrollment of himself and wife: His wife is identified on the rolls of 1880 and 1896 as native Cherokee. She has lived in the Cherokee Nation all her life. Her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood.

The applicant is shown to have been married to his wife in 1899. He is a white man. It is too late for him to be upon any roll, and it is too late under the Cherokee law of 1895 for him to acquire citizenship by intermarriage; therefore, the applicant not being upon any roll and not having been adopted in any manner to Cherokee citizenship, the Commission rejects his applicant upon the ground of lack of jurisdiction, and his own application will be put upon a memorandum of that character. His rejection will be reported to the Secretary of the Interior, if he so requests us by written application.

Judgment will be amended so far as to place his rejection upon the rejection list of regular rejections.

John Benson

Handwritten signature

Discussion

1 DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

1847. 1848
SEP 28 1848

"
C

[Handwritten signature]

1848

GOOWEESGOOWEE.

Statement of Applicant Before State Court.

CHEROKEES BY BLOOD AND ADOPTION.

28 Robert A. Davidson, Rhynchester, Tenn. Date SEP 26 1899

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage 1899

License Certificate

2 Wife's name ~~Martha M. Davidson~~

District Year Page No.

Citizen by blood Yes 132 Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Filed SEP Certificate Filed SEP

Names of Children:

Dist. 1	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Marriage license and cert. attached

70159



CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, James A. Winston, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 30 day of Dec 1899 at 9 M., and duly
recorded in Book I, Marriage Record, Page 182.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 30 day of Dec, A. D. 1899

Jas A. Winston Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. July 26 1902
Steno-grapher to the above named Commission
I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of Alvin
Davidson as citizen of the Cherokee Nation.

Francis S. Batefile
Commissioner.

119

MARRIAGE LICENSE.

Ex. 2-100
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

No. 1168

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. Alvin Davidson, of Chelsea, in
the Indian Territory, aged 27 years, and M. iss Nevada M. Harrison,
of Chelsea, in the Indian Territory, aged 23 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Vinita
Mustogee, Indian Territory this 20 day of
December A. D. 1899.

(Signed) James A. Winston.
Clerk of the U. S. Court.

By (Signed) J.C. Anderson Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

Vinita, I. T.

I, J. R. Sheehan, Mayor, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 20 day of Dec, A. D. 1899, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 20 day of Dec A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book _____, Page _____.

(Signed) J. R. Sheehan
-A Minister of the Gospel.
Mayor Vinita.

W

189

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

MAR 24 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Robert A. Davidson, refused by the Commission under the provisions of the Act of Congress Approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 189, it is entitled Robert A. Davidson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED).

T. D. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C. R. 189

(COPY)

R 189

Muskogee, Indian Territory, February 14, 1902.

Mr. Robert Alvin Davidson,

Bluejacket, Indian Territory.

Sir:

On the 23th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 20th day of December, 1899, to one Nevada F. Harrison, a citizen by blood of the Cherokee Nation, under a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory; that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes, is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authori-

-3-

ties, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment, among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;....."

The first citation of the law shows that, in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws".

The Cherokee law applicable in this case is as follows:

"Section 659:every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware, or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced."

"Sec. 660: Every white man or person applying for license

as provided in the preceding section of this act, shall, before obtaining the same, be required to present to the said clerk, a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation, who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'a certificate of good moral character signed by the county clerk and sealed with the seal of the county of which he was last a voter'.

"Sec. 543: No marriage between a citizen of the United States, or of any foreign nation, and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal;....."

In view of the law and testimony in this case, the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) I. B. Needles.

Enclosure.

Register.

~~Acting Chairman.~~

Commissioner in Charge.

Maskagoo, Indian Territory.

FEB 14 1902

FEB 1 ' 1962

for enrollment as citizen of the

Cherokee, No. R. 189.

Attorney for Cherokee Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 16 1902

 ACTING CHAIR

19541.

P.

L.R.C.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. 1858-1902.
D. O. 5767-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton for enrollment as an intermarried citizen of the Cherokee Nation, R 8, you are advised that the application of Robert A. Davidson, R 189, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos Ryan,
Acting Secretary.
E.M.D.

L. R. S.

7.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1870-1902.
1870-1902.
D. C. 5780-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R 8, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 23, 1898, (30 Stat., 495), which provides that your Commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 659." * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced.
* * * .

"Sec. 200. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawarees or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 203. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

1 inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 16 1902

 ACTING CHAIRMAN

Cherokee-2-100.

Washoe, Indian Territory, April 15, 1902.

Mr. Robert A. Davidson,

Winejacket, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 24, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM SIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-189.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Robert A. Davidson, Cherokee No. R 189, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee B-189.

Muskegee, Indian Territory, July 28, 1902.

Robert Alvin Davidson,

Bluejacket, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on December 20, 1899, to Miss Nevada M. Harrison.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Commissioner in Charge.

Encl. B-109.

Cher R 190

Cher R 190

CR

2170

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 10 1900

[Signature]

ACTING CHIEF

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF MYRTLE C. PETTEE FOR THE ENROLLMENT OF HER TWO CHILDREN AS CHEROKEE CITIZENS.

The said Myrtle C. Pettee, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your full name, please? A Myrtle C. Pettee.
- Q How old are you? A Twenty-nine.
- Q What is your post office? A Vinita.
- Q In what district do you live? A My post office is Holly Colorado.
- Q I thought you said Vinita. A Well, I did, but I will take it back. It is just at present.
- Q Well, what district do you claim as your home? A Cooweescoowee.
- Q Who is it you want to have put on the roll? A My two children.
- Q You don't apply for your own enrollment? A No, sir.
- Q What are the names of your children? A Hiram P. Pettee.
- Q How old is he? A Twelve years old.
- Q The next child? A Edward Brooks Pettee.
- Q How old is he? A Ten years old.
- Q They are both living now are they? A Yes, sir.
- Q Where are they now? A In Colorado.
- Q Were they born in Colorado? A Yes, sir.
- Q They have lived there all their lives? A Most of their lives, yes, sir.
- Q Is your present husband the father of these children?
- A Yes, sir.
- Q Is he a Cherokee or a white man? A He is a white man. I am the Cherokee myself.
- Q You are the Cherokee? A Yes, sir.
- Q Give me the full name of the father of these children
- A Harry Anson Pettee.
- Q When were you married to him? A In 1887.
- Q Have you a certificate of your marriage? A Yes, sir.
- Q Have you it with you? A No, sir.
- Q Where were you married to him? A I was married in Kansas.
- Q Where were you born? A I was born here on Cabin Creek in the Indian Territory.
- Q What was your maiden name? A Myrtle C. Harlan.
- Q When did you leave the Cherokee Nation? A In 1887.
- Q You are on the roll of 1880, are you? A No, sir. We weren't readmitted until after that roll was made up.
- Q Were you admitted by the Cherokee Commission? A Yes, sir; my father was and I supposed the children were, although our names personally are not on the list.
- Q Are you on any roll of the Cherokee Nation? A Yes, sir.
- Q What roll? A Why, 1894. I don't think I am on the roll of 1896. I don't know, I couldn't say. I am on the roll as Myrtle Harlan at different times, I don't know just when.
- Q Well, you went out of the Cherokee Nation before you were married? A Yes, sir.
- Q With your father? A Yes, sir; for my health and his

health.

Q Well, you have made your home outside ever since? A Yes, most of the time.

Q You have not retained any interest in the Cherokee Nation?

A Yes, I have my farms here, and my children have.

Q What was your father's name? A Marion P. Harlan.

Q You don't apply for yourself upon the ground that you have forfeited your right? A Yes, sir; I have forfeited my right by living somewhere else. I have not lived here, but the children have always claimed this as their home, and they have their property here.

Q You consider you actually forfeited your right by actually taking up your residence and making your home with your family before and after your marriage? A No, not before I left here just as I was married.

Q Did you draw strip money in 1894? A Yes, sir. At that time I hadn't left here but a short time, and I had never been away over three or four months at a time.

1894 Roll, page 275, No. 3406, Myrtle Petee, Cooweescoowee District.

1894 Roll, page 275, No. 3407, Hiram Petee, Cooweescoowee District.

1894 Roll, page 275, No. 3408, Eddie Petee, Cooweescoowee District.

THE COMMISSIONER: The applicant presents an official certificate of admission of her father to citizenship by the Cherokee Commission on citizenship, under date of September 14th, 1880, his name being, as given by her and given in this certificate, Marian P. Harlan. This is returned to the applicant.

The applicant applies for the enrollment of her two children. They are identified with her on the roll of 1894. It is shown by the certificate of admission cited in the testimony that her father was admitted by the Cherokee Commission in 1880. She was nine years old at that time. She is not in that certificate of admission, nor is any other presented or referred to which contains her name. She is not upon the roll of 1880 or the roll of 1894. She does not claim citizenship in the Cherokee Nation for herself. Considering that her home is permanent in the State of Colorado it is not seen that she has ever acquired citizenship, and hence her children could not inherit it from her. They are born in the State of Colorado, and they have lived there all their lives. Their mother has lived out of the Cherokee Nation prior to and since her marriage in 1887, and the application for the enrollment of these children is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of October 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900



ACTING CHAIRMAN.

"Q" R 190

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 28 1900 1900.

Name

Holly Colorado

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year Page No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

1 William P. Petter Dist.

2 Edward B. " Dist.

WIFE Year 1894 Page 275 No. 3407 Age 12

Year 1894 Page 275 No. 3408 Age 10

Dist. Harry N. Petter Year Page No. Age

Dist. Mary C. Petter Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 On 1894 Roll as William Petter

2 " " " " Eddie

K 141

DEPARTMENT OF THE INTERIOR,
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Myrtle C. Pettee, for the enrollment of her two children Hiram P., and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation;

D E C I S I O N .

It appears from the record in this case that on the 28th day of September, 1900, the said Myrtle C. Pettee appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her two children Hiram P., and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation.

The testimony in this case shows that the aforesaid Myrtle C. Pettee is twenty nine years of age; was born in Cabin Creek, Indian Territory, and was married in 1887, to her husband Harry Anson Pettee, a white man, in accordance with the laws of the State of Kansas; and that in the same year she removed from the Indian Territory to the State of Colorado, where Hiram P., and Edward Brooks Pettee were born.

Myrtle C. Pettee is identified on the Cherokee Strip Payment Roll of 1894, and the names of her two children hereinbefore mentioned, are not found upon any of the tribal rolls of the Cherokee Nation.

The testimony further shows that the father of Myrtle C. Pettee was admitted to citizenship by the Cherokee Commission in the year 1880; but that her name does not appear in the certificate of admission.

The application which the said Myrtle C. Pettee makes for the enrollment of the two children hereinbefore mentioned, is based upon the foregoing.

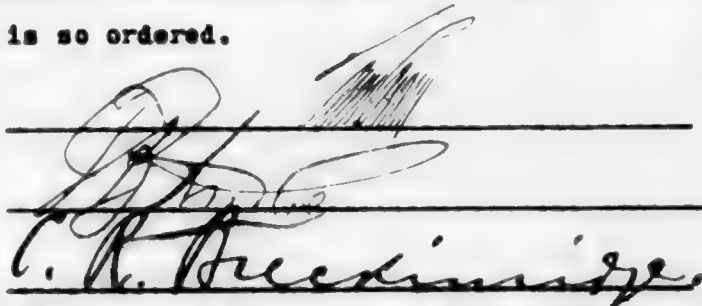
The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen), as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls, and omit all such as may have been placed thereon by fraud, or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

Having removed from the Cherokee Nation at the time of her marriage in 1887, and her children having been born in the State of Colorado subsequent to the aforesaid date of removal, and never having lived in the Indian Territory, they are considered to be embraced in that class of persons to which the Act of Congress approved June 28, 1898, (30 Stats., 495), section twenty one, paragraph nine, applies, and which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;....."

In view of the law and testimony as shown in this case, it appears that the applicants Hiram P., and Edward Brooks Pettes, are not entitled to be enrolled as citizens by blood of the Cherokee Nation; and it is so ordered.



C. R. Beckwith

Dated at Muskogee, Indian Territory,
this 20 day of May, 1903.

Commissioners.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of Myrtle C. Pettee, for the enrollment
of her two children Hiram Pettee and Edward Brooks Pettee,
Citizens by blood of the Cherokee Nation.

R-190.

Comes Myrtle C. Pettee and files this, her motion to
re-open the application made by her for her two children Hiram Pettee
and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation,
and also to allow her to continue her application to include herself as
well as her minor children, and for grounds of said motion she states:

That she is a Cherokee Indian by blood; that she was born on Cabin
Creek in the Cherokee Nation; that in 1880 her father was duly and regu-
larly admitted as a Cherokee Indian by blood, and that Myrtle C. Pettee
who was then Myrtle C. Harlin was a minor at the time of her father's
admission, and that she resided in the Cherokee Nation, Indian Territory
for several years after her father's admission, namely until 1887, when
she was married to her husband Harry Anson Pettee, a white man; that she
moved from the Indian Territory to the State of Colorado, and there re-
sided with her husband upto the date of her admission. *application*

Second:---That Myrtle C. Pettee is identified on the Cherokee Strip
Pay-roll of 1894, and that her rights as a citizen by blood of the Chero-
kee Nation has never been disputed, and the only grounds upon which she
and her children were denied, were that she was residing beyond the limits
of the Cherokee Nation in 1898. Petitioner further shows that she and her
children are and were entitled as Cherokees by blood; that she can shew,
if permitted to do so, that at the time she appeared before the Commis-
sion she owned property in the Cherokee Nation, and had owned it continu-
ously since she ~~attained~~ her majority, and that her sister Mattie L.
Petter and children, who are living in the same country with her in the
State of Colorado, have been duly and regularly enrolled as Cherokees by
blood.

Third:---Your petitioner can further shew that she resided for years in
the Cherokee Nation after her admission; that she was born and raised in
the Cherokee Nation, and that her residence outside of the Cherokee Nation

since 1887, has been solely for the purpose of residing with her husband, who was engaged in business in Colorado, and whose business was such he could not conveniently move and come to the Indian Territory.

In support of said petition, your petitioner respectfully attaches affidavits of reputable parties as to the truth of statements contained herein,

Wherefore, your petitioner respectfully asks that the order heretofore made by the Commission, rejecting her, be vacated and set aside and that she be permitted to prove as to the exact status of herself and her two minor children.

James D. Davenport
Attorney for petitioner.

Myrtle C. Pettee of lawful age being duly sworn on her oath states that she has read the above and foregoing motion to re-open her application for her children, and knows the contents thereof, and that the statements made therein are true as she verily believes.

Subscribed and sworn to before me this 19th day of April 1905.

Wm. M. M. M. M. M.
Notary Public.

My commission expires January 15th 1906

(COPY)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of Myrtle C. Pettee, for the enrollment
of herself and her two children Hiram Pettee and Edward Brooks
Pettee, citizens by blood of the Cherokee Nation.)
)
)
)

Comes Harry Anson Pettee, a white man who deposes and
says that he is the husband of Myrtle C. Pettee, formerly Myrtle C.
Harlan, Cherokee Indian, who was born and raised in the Cherokee Nation,
Indian Territory, and resided there with her father till 1887; that he
was married to her in 1888, and that one said Myrtle C. Pettee has always
claimed the Cherokee Nation as her home, they having lived in Colorado
because of the interest which he held there. He also states that he is
in the live stock and meat business.

Affiant further states that his wife, Myrtle C. Pettee, still
retains her interest in the real estate inherited from her father, having
never disposed of the same nor tried to dispose of it.

Harry Anson Pettee.

Subscribed and sworn to before me this 29th day of April, A.D. 1905.
My commission expires January 15th, 1907.

J.S. McMurtry.
Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

in the matter of Myrtle C. Pettee, for the enrollment of)
herself and her two children, Hiram Pettee and Edward Brooks)
Pettee, citizens by blood of the Cherokee Nation.)

Comes Mattie L. Wilson, a Cherokee Indian, who deposes and says that she is a sister of Myrtle C. Pettee, formerly Myrtle C. Harlan; That the said Myrtle C. Pettee was born in the Cherokee Nation in 1871; that her father was duly and regularly admitted as a Cherokee Indian by blood and that the claimant Myrtle C. Pettee, was a minor at the time of her father's admission; that we resided in the Indian Territory for several years after father's admission, viz: till 1887, when my sister Myrtle C. Pettee was married to her husband, Harry Anson Pettee, a white man; that she moved from the Indian Territory to the State of Colorado and there resided with her husband up to the date of her application.

Second, that Myrtle C. Pettee was on the pay-roll of 1894, and that her rights as a citizen by blood of the Cherokee Nation have never been disputed.

She further states that the said Myrtle C. Pettee owns property in the Cherokee Nation and has owned it continuously since her majority. She states further that the said Myrtle C. Pettee always claimed the Cherokee Nation as her home and that her stay in Colorado has been prolonged on account of the business in which her husband is engaged.

Affiant further states that she left the Cherokee Nation at the same time as the claimant and she has lately been re-admitted as a citizen of the Cherokee Nation.

Mattie L. Wilson.

Subscribed and sworn to before me this 20th day of May, A.D.
1905.

My commission expires January 15th, 1907.

(SEAL)

J.S. McMurtry,
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of enrollment of Myrtle :
C. Pettee for herself and two children, :
Hyrain Pettee and Edwards Brooks Pettee : B-198.
as citizens by blood of the Cherokee Nation:

AFFIDAVIT OF MYRTLE C. PETTEE.

Myrtle C. Pettee of lawful age being duly sworn on her oath states that she is the same person who is named in the motion to reopen her application for citizenship in the Cherokee Nation and that Hyram and Edwards Brooks Pettee are her minor children; that she is a Cherokee Indian by blood; that she was born on Cabin Creek in the Cherokee Nation and is a Cherokee by blood; that in 1880 her father was duly and regularly admitted as a Cherokee by blood and that affiant whose maiden name was Myrtle C. Harlin was a minor at the time her father's admission and that she resided in the Cherokee Nation, Indian Territory for sever 1 years after her father's admission and until 1887, when she was married to her husband Harry Ansom Pettee, a United States Citizen; that she removed from the Indian Territory to the state of Colorado and there resided with her husband up to the date of her application; that she is identified in the Cherokee Strip pay Roll of 1894.

Affiant further states that from the time she obtained her majority up to and including the time she made application to the Commission to the Five Civilized Tribes to be enrolled as a citizen by blood of the Cherokee Nation, she was the owner of a 1/6 interest jointly with her brothers and sisters on a farm and improvements thereon, which farm and improvements were situated Northwest of Vinita seven or eight miles, and that she had a 1/6 interest in the said farm and that the farm consisted of pasture, cultivated and hay land; there being on the said farm about three hundred (300) acres, and more than one hundred (100) acres of which was in cultivation, and having on the said farm houses, fencing and

other improvements; that she owned this farm and her interest in the same until long after the Commission had denied her application for citizenship; that the farm and improvements have been held by she and her brothers and sisters jointly for many years.

Affiant further states that she admits that at the time she made application to be enrolled that she was then residing with her husband in Holly, State of Colorado, but that she did not intend by going to Colorado to abandon any right she had in the Cherokee Nation as a citizen by blood, but that she went there for the purpose of living with her husband whose home was there and that she continued to own her property with her brothers and sisters in the Cherokee Nation had the same farmed and kept up while she was residing in Colorado.

Affiant further states that she is now in the Cherokee Nation looking after her rights and interests in the said Nation, and that she at no time intended to abandon or give up her rights in the Cherokee Nation and that her living with her husband in Colorado was not intended by her as an abandonment of her rights; that she has always recognized her rights in the Cherokee Nation and maintained and kept her interest in the farm, and had no intention whatever of abandoning the Cherokee Nation and had not abandoned the same when she made application to be enrolled.

Myrtle B. Little

Subscribed and sworn to before me this 4th, day of August A. D. 1905.

Henry A. News

My commission expires

Jan. 21, 1908 Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Myrtle:
C. Pettes for herself and two children,
Hiram Pettes and Edwards Brooks Pettes
as citizens by blood of the Cherokee Nation

B-190.

AFFIDAVIT OF GEORGE HINDRYT.

George Hindryt of lawful age being duly sworn on his oath states that he resides in the Cherokee Nation and that he is an adopted citizen of the Cherokee Nation and listed for enrollment as such; that Myrtle C. Pettes is his sister-in-law, and that she has been living in Colorado with her husband since her marriage to him, but that during all of said time Myrtle C. Pettes has owned 1/8 interest in a farm and improvements in the Cherokee Nation northwest of Vinita about three or four miles, jointly with her brothers and sisters of which affiant's wife is one; That the farm consisted of about three hundred (300) acres, one hundred (100) acres or more of which was in cultivation together with grass land, pasture, houses and fencing and other improvements.

Affiant further states that Myrtle C. Pettes continued to own said improvements and interest therein until after her application for enrollment was made to the Commission to the Five Civilized Tribes and until allotment began in the Cherokee Nation.

Affiant further states that Myrtle C. Pettes resided in the Cherokee Nation from the date of her father's admission to citizenship, which was on or about 1880, up to the date of her marriage to her said husband, Harry Anson Pettes, about the year 1887; that she appears upon the pay roll of 1894, that her rights as a Cherokee Indian by blood has never been disputed and as affiant is informed and believes that the only reason for the rejection of Myrtle C. Pettes and her children is because of their residing beyond the limits of the Cherokee Nation on June 28, 1898.

Affiant further states that Myrtle C. Pettes retained her interest in the farm and improvements all the time she was

absent in Colorado up to and after her application was made to the
Commission for enrollment.

Witness to me (
J. D. Humphreys

Geo. Hendry

Subscribed and sworn to before me this 4th, day of August A. D. 1908.

Henry D. Wainwright
Notary Public.

My commission expires Jan 21-1909

P. 1

DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

In the matter of the enrollment of Myrtle C. Pettee and her two children, Hyman Pettee and Edwards Brooks Pettee, as citizens by blood of the Cherokee Nation.

Bell Lyman of lawful age being duly sworn on her oath states that she is 50 years of age and her post office is Vinita, Indian Territory; that she is acquainted with Myrtle C. Pettee, who is an applicant for enrollment in the Cherokee Nation and who is listed Cherokee R-190.

Affiant further states that she has known Myrtle C. Pettee from her infancy; that she is the mother of Myrtle C. Pettee who prior to her marriage was Myrtle C. Harlin. Myrtle C. Pettee was born on Cabin Creek in the Cherokee Nation; that in the year 1880 the father of Myrtle C. Pettee was duly and regularly admitted to citizenship in the Cherokee Nation as a Cherokee Indian by blood and that Myrtle C. Pettee was a minor at the time of her father's admission and that she resided in the Cherokee Nation from the date of her father's admission until 1887 when she was married to her husband, Harry Anson Pettee, and that she moved to the state of Colorado and lived there with her husband from that date up to the date of her application for enrollment in the Cherokee Nation.

Affiant further states that Myrtle C. Pettee is identified upon the 1894 pay Roll of the Cherokee Nation; that her rights as a citizen by blood of the Cherokee Nation has never been disputed. Affiant further states that Myrtle C. Pettee was at the time of her application to be enrolled as a citizen by blood of the Cherokee Nation in 1900, the owner of a 1/8 interest in a farm and improvements in the Cherokee Nation about three or four miles north of Vinita, Indian Territory, and that she owned the same jointly with her brothers and sisters; that the said farm consisted of about three hundred (300) acres, there being one hundred (100) acres or more in cultivation and the remainder in hay land and pasture and had thereon fencing, houses and other improvements; that she owned the said

-2-

interest in the said farm which was a farm that belonged to the family and had always been kept together from the time she obtained her majority up to and including the date of her application to be enrolled by the Commission to the Five Civilized Tribes and up to and including the time allotment began in the Cherokee Nation; that the improvements and location of the farm was a valuable location being near the town of Vinita, Indian Territory.

Mr. Belle Lyman

Subscribed and sworn to before me this the 5th day of August A. D. 1908.

Frederick L. Burkholder

My commission expires

March 4, 1909

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

NOV 27 1895

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HIRSH P. PETTEE and EDWARD B. PETTEE as citizens by blood of the Cherokee Nation.

APPEARANCES:

For Applicants, Cravens, Rutherford & Cravens, by W. M. Cravens.
For Cherokee nation, W. W. Hastings.

The records of this office show that on September 9, 1905, this case was remanded by the Secretary of the Interior for further hearing, and that on November 3, 1905, the applicants their attorneys, and the Attorney for the Cherokee Nation were duly notified that they would be permitted to appear before this office on November 16, 1905, and introduce further testimony in this case, at which time the following proceedings were had.

MYRTLE C. PETTEE, being first duly sworn, testified as follows:

BY MR. CRAVENS:

- Q What is your name? A Myrtle C. Pettee.
Q Where do you live? A I live at Vinita now.
Q In the Cherokee Nation? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Who was your father? A Marion Perry Harland.
Q Is he living or dead? A He is dead.
Q You are a married woman are you? A Yes sir.
Q What is the name of your husband? A Harry Anson Pettee.
Q You have heretofore lived in Colorado, I believe? A Yes sir, since 1888.
Q Where did you live prior to that? A At Vinita in the Cherokee Nation.
Q Where were you married? A At Garden City, Kansas.
Q Where did your father die? A At Vinita.
Q Did he live in the town or on a farm? A On a farm one mile north of Vinita.
Q Did he make any disposition of the farm, what became of the farm after his death? A He left it to us six children.
Q Who were his six children? A Myself, Mrs. Hannah Nazworthy, Mrs. Mattie L. Wilson, John Henry Harland, Clifford Harland, and Eva Magala Hendricks.
Q They are your brothers and sisters, and all children of your father, Mr. Harland? A Yes sir.
Q Were they enrolled, all of these children except yourself? A Yes sir.
Q Was your father admitted or readmitted to Cherokee citizenship by an Act of the Cherokee Council? A Yes sir.
Q Do you know when that was? A In 1880.
Q From 1880 to 1888 where did you live? A At Vinita on a farm.
Q On your father's farm? A Yes sir.
Q Who has owned that farm since the death of your father? A The six children named.
Q What interest have you had in it? A I have had 1/6 interest in it.

- Q Hiram P. Pettee and Edward B. Pettee are your children? A Yes sir.
Q Born of this marriage stated awhile ago? A Yes sir.
Q What is the age of Hiram? A He was 16 years old the second of this month.
Q How old is Edward? A He is 14.
Q Who has had charge of your father's farm, the farm you six children owned since his death? A My mother and the children that were not married, they have lived on it. Three of us were married at the time of his death.
Q And your mother and the three children have lived on the farm?
A Yes sir.
Q Have they been there by your permission and consent? A Yes sir.
Q Have you ~~husband~~ at any time parted with your interest in that farm? A Not until I was refused by the Commission, and then I thought the boys they could take there allotments there and sell the rest of it, and I would take my part out of what it sold for.
Q Up until the time that you applied for enrollment as a Cherokee you hadn't disposed of it in any way? A No sir.
Q Do you remember when it was you applied? A It was 1902, I guess.
Q At what place? A At Vinita.

BY MR. HASTINGS:

- Q Where is your husband now? A He is in Colorado.
Q When did you see him last? A 4th of July.
Q Where are your children? A In Colorado in school.
Q With your husband? A They are with my brother.
Q Did you have a house in Colorado? A No sir, I haven't.
Q How do you live, do you keep house? A I live with my mother now.
Q Do you keep house in Colorado? A No sir.
Q Are you separated from your husband? A Yes sir.
Q When did you separate from him? A 4th of July last.
Q Prior to that? A I lived in Colorado with my husband.
Q Did you own a house? A He owned a house.
Q You and he lived there together? A Yes sir.
Q And you kept house up until the 4th of July last? A Yes sir.
Q Since which time you have been divorced? A Yes sir.
Q When was the decree of divorce granted? A The second of August, 1905? A Yes sir.
Q Have your children ever been here? A Yes sir.
Q Since the 4th of July, ? A No sir.
Q They are out there yet? A Yes sir, both of them.
Q You have never individually owned any property in the Cherokee Nation? A No sir, I have never owned any individual property except my interest in the farm.
Q You never had no individual interest? A No sir.
Q Were you married here when? A In 1888.
Q Where were you married? A At Garden City, Kansas.
Q And you went to Colorado? A Yes sir.
Q And you have lived there continuously there from 1888 until after your divorce, until July 4, 1905? A Yes sir.
Q And during all that time you kept house there and lived with your husband? A Yes sir.
Q And he owned property there? A Yes sir.
Q What was he doing? A He is a cattle man.
Q When did your father die? A 14 years ago.
Q Then he died in 1891? A In 1891.
Q How much farm did he have in 1891? A Four or five hundred acres, I don't know just exactly how much.
Q It has been allotted by some of your relatives? A Yes sir, part of it.
Q Has it all been allotted? A Yes sir, it is all allotted but not all by them.

- Q But it is all allotted? A Yes sir.
- Q You didn't allot any? A No sir, I couldn't.
- Q But y-u never purchased any individual improvements here in the Cherokee Nation and never held any individual improvements?
- A No sir.
- Q What did you get out of this place in 1892? A I can't tell you just exactly.
- Q What did you get out of it in 1893? A The place that the boys didn't file on they sold about a year ago.
- Q I am asking you what you got out of this place in 1893? A When father died the agreement between us children was that if the boys would run the farm and take care of it and hold it for us so as we could take our allotments there if it was ever allotted they would take our rent for the maintenance of our mother.
- Q But you never got any rents from it at all? A Except in that way.
- Q Not any individually? A No sir, I never got any but once.
- Q Did you get any in 1894? A No sir, but in 1896.
- Q In 1895? A No sir.
- Q Did you get any in 1897? A No sir, I told you 1896 was the only time I got any rents.
- Q Haven't got any rents since then? A No sir, I got my share of the other allotments my brothers and sister didn't take.
- Q When was that? A In 1904.
- Q The place was sold then was it? A Yes sir.
- Q How much did you get? A I got \$80.00 for my share.
- Q Who paid you? A My brother Henry.
- Q Is he a witness? A No sir.
- Q Where is he? A He is in Colorado.
- Q You didn't make application for your own enrollment did you?
- A No sir.
- Q You stated before the Commission when you went before it that you had forfeited your citizenship by continuous residence outside of the nation, didn't you? A I don't know what I had done.
- Q And you told them you didn't want to apply for that reason? A I don't know, if it is there I did, but I don't remember.
- Q I will ask you if you didn't after this question was propounded to you say, Q "You don't apply for yourself upon the ground that you have forfeited your right? A I have forfeited my right by living somewhere else, I haven't lived here but the children have always claimed it as their home and have had their property here." Did you make that answer on the 4th of September, 1900? A I don't remember, but I suppose I did.
- Q You had no personal property here? A No sir.

BY MR. CRAVENS:

- Q You have had your interest in this place? A Yes sir.
- Q That has been an individual interest which you held in connection with your brothers and sister? A Yes sir.
- Q Has that all of the time up until it was disposed of in 1904 been recognized as yours? A Yes sir.
- Q Have you been in the habit of visiting the place since you went to Colorado? A Yes sir.
- Q How often? A Every year and sometimes two or three times a year.
- Q What length visits would you make, what length of time would you spend with her each year? A From a month to six weeks.
- Q She was then upon the place? A Yes sir.
- Q Then every year you have spent from a month to six weeks upon the place? A Yes sir.
- Q What brothers were on the place occupying it at that time?
- A Henry and Clifford.

Q Did they recognize you owning 1/8 interest in it? A Yes sir.
Q Now it seems that you stated that you had forfeited your rights as a Cherokee by non-residence, that is a question of law that you are not prepared to answer? A No sir, I am not.

ON BEHALF OF THE COMMISSIONER:

Q Are your children Hiram and Edward B. both living at this time?
A Yes sir.

Q Do you claim citizenship in the Cherokee Nation, yourself? A Yes sir.

Q Have you ever prior to this time made application for your enrollment? A Yes sir.

Q Whereabouts? A At Vinita.

Q When? A In 1902 I guess it was.

Q Do you know what was done with your application when you applied for yourself? Have you ever more than one time appeared before the Commission to the Five Civilized Tribes for the purpose of making application for enrollment for any one? A I don't understand what you mean.

Q Have you ever appeared before the commission more than once for the purpose of making application for any one? A Yes sir.

Q How many times? A Twice I guess.

Q At the time you claim to have made application for your enrollment in 1902 was that the time you also made application for the enrollment of your children, Hiram P. and Edward B.? A Yes sir.

Q You have only made one application for enrollment and that you claim was made for yourself and two children, is that it? A I made application for myself and two children at----

Q At Vinita? A No sir, I don't know whether it was Fairland or Claremore.

Q Where was it you applied for enrollment of your children?

A At Vinita.

Q Where was it you claim to have applied for the enrollment of yourself? A That is what I tell you I don't remember whether it was Fairland or Claremore.

Q Was your appearance there for the purpose of giving testimony in connection with the enrollment of yourself and children or for making original application for the enrollment of yourself?

A And children.

Q Do you know when it was you applied for the enrollment of your two children at Vinita? A It was in 1902, I think.

Q Was it the same year that you appeared at Vinita as you state in 1902, and applied for the enrollment of your two children that you claim to have applied for the enrollment of yourself at Claremore or Fairland? A No sir, it was before that that I applied for myself and two children there at Claremore or Fairland I don't remember which.

Q Was that to the Commission to the five Civilized Tribes, to the Dawes Commission? A I don't know, I guess it was.

Q Now when you claim to have applied at Fairland where was the Commission working, was it working in a house? A I don't believe I applied but once to the Commission.

Q What form of application do you think it was you made at Fairland?

A Well I don't know.

Q Did you make any form of application to the Dawes Commission at Fairland? A I can't tell you.

Q Did you make any form of application to the Commission at Claremore? A I can't remember whether I did or not, I would not say.

Q The records show that you have only appeared before the Commission once, is that correct, that this is your second appearance before the Commission for the purpose of giving testimony? A Well I couldn't say whether it was or not.

- Q So the only time that you have ever made application for the enrollment of any one was the time you made application for the enrollment of your children at Vinita? A Well it seems to me that I made application either at Claremore or fairland for myself and children.
- Q Can't you remember about it? A No sir, I can't.
- Q Have you ever prior to this time made application for your own enrollment? A No sir, I think I haven't.
- Q This is the first time you have ever applied for enrollment for yourself? A You mean for allotment.
- Q No, to try to get yourself put on the roll as a Cherokee? A No sir, it isn't.
- Q I am speaking about your application to be placed on any Tribal roll, I mean the roll being prepared by what is commonly known as the Dawes Commission. Is this the first time you have ever applied to have yourself placed on that roll? A I just simply can't say whether it is or not, that is all there is to it.

The records of this office show that the only appearance of the witness, Myrtle C. Pettee before the Commission to the Five Civilized Tribes, or before this office, was at Vinita, Indian Territory, on September 28, 1900, when she applied for the enrollment of her two children, Hiram P. and Edward B. Pettee, and when asked this question, "Who is it you want to have put on the roll," she answered, "My two children," and when asked this question, "You don't apply for your own enrollment," she answered, "No sir," along further in her testimony when asked this question, "You don't apply for yourself upon the ground that you have forfeited your right," she answered, "Yes sir, I have forfeited my right by living somewhere else, I haven't lived here but the two children they always claimed this as there home and they have their property here."

Witness: I must have been crazy when I made that answer.

ON BEHALF OF THE COMMISSIONER:

- Q What is your mental condition now? A I ain't anything.
- Q You have never been in a sanitarium? A No sir.
- Q You have always been considered as being in your right mind?
- A Yes sir.

BY MR. CRAVENS:

- Q You told me this morning when you appeared before the Commission at one time before you got very angry and made some answer? A That is the reason I made that answer, it was just because I was very angry at the time.
- Q When you appeared there did you intend at that time to make an application for yourself and children? A Yes sir, I did.
- Q You understood that your ownership of property or interest in the farm there had given you a right as a Cherokee here even though you resided elsewhere, would you then insist upon your being enrolled? A Yes sir.

W I T N E S S E X C U S E D.

BELL LYMAN, being first duly sworn, testified as follows:

BY MR. CRAVENS:

- Q What is your name? A Mrs. Bell Lyman.
- Q You are the mother of Mrs. Myrtle Pettee? A Yes sir.

--3--

Q Who was her father? A Marion Harlan.
 Q Was he a Cherokee? A Yes sir.
 Q Where did he live? A Up here by Vinita.
 Q On a farm? A Yes sir.
 Q Who owned the farm? A Marion Harlan.
 Q How many children did you have by your marriage to Marion Harlan?
 A Six.
 Q Who were they? A Myrtle Pettee, Hannah Nazworthy, Mattie Wilson,
 Henry, Clifford and Ollie Harlan, and Eva Hendricks.
 Q Are they enrolled? A They are all enrolled except Myrtle.
 Q Are you the mother of all of them? A Yes sir.
 Q Mr. Harlan was the father of all the children? A Yes sir.
 Q They are full brothers and sisters? A Yes sir.
 Q When did Mr. Harlan die? A In 1891.
 Q In 1891? A 1891.
 Q Where did he die? A At our home there near Vinita.
 Q What disposition was made of the farm by him at his death? A He
 just give it to the children.
 Q Who has had it since his death? A The children all claimed it
 until they filed and after they filed on the place the rest of it
 they sold.
 Q And they sold the balance besides the filing? A Yes sir.
 Q Has Myrtle been recognized as one of the owners of that all of the
 time up until the sale of it? A Yes sir, I think she has.

BY MR. HASTINGS:

Q She was married in 1887 or 1888 wasn't she? A She was married,
 yes sir.
 Q And immediately left the Cherokee Nation? A Yes sir.
 Q And had been away from here four years when her father died? A
 Yes sir, she had been here every year too.
 Q But she was living in Colorado? A Yes sir.
 Q Keeping house there? A Yes sir.
 Q And had been for four years until her father died? A Yes sir.
 Q She doesn't claim to have owned any property during that four
 years? A I don't know.
 Q Did she have anything to do with the running of this place in
 1892? A They just made the agreement the children that were
 married and they said papa give them the place and they
 said let the place be and for mamma to raise the children on it
 as long as the boys would live there and make a living.
 Q You have had possession and control of that place all the time
 haven't you? A Yes sir.
 Q And you have gotten the rents of it? A Yes sir.
 Q And the land has been allotted among the rest of you? A Yes sir.
 Q She has never gotten any rents from it? A No sir.
 Q And never had any control over it? A No sir, she turned it
 over---
 Q She never had any individual property in the Cherokee did she?
 A She just turned it over to me and the children.
 Q She never had any individual property in the Cherokee Nation,
 did she? A No sir.
 Q And she never had an interest in this farm nor claimed any for
 four years prior to her father's death did she? A It was her
 home, she was raised there.
 Q She belonged to your husband and you? A It was her home too.
 Q Wasn't the title in you and your husband? A Yes sir.
 Q Have you ever paid her anything for this recently? A No sir,
 I haven't.
 Q She never did get anything out of it that you ever knew of? A No
 sir.

- Q How you are positive about that? A I don't think she has got any pay for it.
- Q And she never got any rents from it? A No sir, she didn't want any rents, she could have had her rights, she didn't want it. She wanted myself and the younger children to have it.

WITNESS EXCUSED.

CLIFFORD HARLAN, being first duly sworn, testified as follows:

BY MR. CRAVENS:

- Q What is your name? A Clifford Harlan.
- Q Do you know Mrs. Pettee? A Yes sir.
- Q What relation are you to her? A She is my sister.
- Q What was your father's name? A Marion Harlan.
- Q Was he a Cherokee? A Yes sir.
- Q Since his death who has lived on the farm on which he died? A Well myself and brothers and my youngest sister and my mother.
- Q How old are you? A I am 24.
- Q How old are you, are you the oldest boy? A No sir.
- Q How old were you when your father died? A Well I guess I was about 10 years old, I don't know exactly.
- Q And there were three children that were minors under age at that time? A Yes sir.
- Q You and two others? A Yes sir.
- Q Who was the owner of the farm after your father's death? A Well, I don't know as any one of us particularly, we just stayed there and farmed it and kept up the farm and family.
- Q What interest had you in it? A I was just staying with the rest.
- Q How many of there were you? A There were six.
- Q What interest had your sister Myrtle? A The same as I did, it was left to us all.
- Q That would be 1/6 would it? A Yes sir.
- Q Did you have any agreement with her about staying on the place and taking care of it and having the use of it with the other married sisters? A I couldn't say that I had particular myself, but I have heard them say as long as we stayed on it and kept up the farm and the family we could take their part and keep up the place.
- Q You took care of your mother too, didn't you? A Yes sir.
- Q Are you enrolled as a Cherokee? A Yes sir.
- Q Your other brothers and sisters enrolled except Myrtle? A Yes sir.

BY MR. HASTINGS:

- Q You never paid this woman any rents at all on this place? A No sir.
- Q She never had nothing to do with the control or running of the place did she? A No sir, I don't know as she did.
- Q She never had any property in the Cherokee Nation for four years before your father died, did she? A I couldn't tell you.
- Q Don't you know she married in 1887 or 1888 and that your father died in 1891 and during all that time she lived in the State of Colorado and didn't have a thing here in the Cherokee Nation?
- A I don't know what time she married myself.
- Q You know she married before your father died? A Yes sir.
- Q And you know after she married she went to Colorado? A Yes sir.

- Q And you know she lived there and was living there before your father died? A Yes sir, she lived there in when he died.
- Q And has been living there until the 4th of last July, hasn't she? A Yes sir, I guess so.
- Q Her children are out there now? A Yes sir.
- Q She has only been back here since the 4th of July, to vinita?
- A That is all.
- Q She has never held any individual property here in the Cherokee Nation, has she? A No sir, not unless it was in that farm.
- Q None unless it was an undivided interest in that farm? A No sir.
- Q You never paid her anything for that? A No sir.
- Q She never got anything out of it and the rest of the family allowed it? A Yes sir.
- Q And she never got any proceeds from it any way in the world, did she? A No sir, I don't think she did.

W I T N E S S E X C U S E D.

MYRTLE C. PETTER RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q When was the first time you ever learned that ~~an~~ application was never made for your enrollment or have you known it all along?
- A No sir, I didn't know it until Mr. Davenport wrote me, but I don't know when it was exactly.
- Q Is that Mr. James S. Davenport your former attorney? A Yes sir.
- Q Did he write you that ~~an~~ application was never made for your enrollment? A For myself, yes sir.
- Q When was that? A I don't know.

BY MR. HASTINGS:

- Q About when? A Well I should think about six months ago.

W I T N E S S E X C U S E D.

BELL LYMAN RECALLED:

ON BEHALF OF THE COMMISSIONER:

- Q What is your understanding with reference to any application ever having been made for the enrollment of your daughter here, do you know whether any application was ever made for her enrollment? A I think so.
- Q Do you know who made the application? A No sir, I don't believe I do. ~~that~~
- Q Did you ever hear ~~any~~ application had never been made for her enrollment? A Yes she made an application I think, but I don't know.
- Q Did she ever tell you that she didn't claim citizenship herself on account of her residence out of the nation? A No sir, I think not.
- Q Are you sure about that? A Yes sir, I don't remember of hearing her say so.

W I T N E S S E X C U S E D.

Mr. Hastings: I want to call attention in this connection to Section 904 of the Compiled Laws of the Cherokee Nation, of date 1892, which is as follows:

"All improvements shall be exempted from the payment of debts against any estate, and in the administration of estates where there is a surviving wife or husband, or minor child or children, all the property exempted by law from execution shall likewise be exempted from the payment of debts against an estate, and shall be at once turned over to the surviving parent or guardian for use of the family."

The attorneys for the applicant and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision rendered upon the evidence heretofore introduced.

-----oO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 23rd day of November, 1905.

Myron White
Notary Public.

52813

23411

2 52417

DEPARTMENT OF THE INTERIOR.

JUN 1 1904

1740

DEPARTMENT OF THE INTERIOR.

JUN 15 1905

Returned with No. 4186

Inclosure 4 IND. TER. DIV.

418

COPY.

Cherokee R 190

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged application of Myrtle C. Pettee and the application of Hiram P. Pettee, et al. for enrollment as citizens by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, on September 28, 1900, Myrtle C. Pettee appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her two minor children, Hiram P. Pettee and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation; that on May 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, which decision was, on September 4, 1902, duly approved by the Department (I.T.D. 5247-1902); thereafter, on September 9, 1905, a motion to reopen said case having been filed on behalf of the applicants, the Department rescinded its said decision of September 4, 1902, and remanded said case for further hearing (I.T.D. 7347, 8902, 10714-1905). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on November 16, 1905. On the date last above mentioned attempt was made by the said Myrtle C. Pettee to establish that application for her enrollment as a citizen of the Cherokee Nation was made to the Commission to the Five Civilized Tribes within the time specified in Section 30 of the Act of Congress approved July 1, 1902 (32 Stat., 762), which, in part, provides:

"....but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

The records of this office further show that the only appearance made before the Commission to the Five Civilized Tribes or this office relative to the enrollment of the said Myrtle C.

Pettee prior to November 15, 1905, was on September 28, 1900, when she appeared and applied for the enrollment of her children, Hiram P. and Edward Brooks Pettee, and when asked this question-"Who is it you want to have put on the roll?" she answered-"My two children", and when asked the question-"You don't apply for your own enrollment?" she answered-"No sir." Further along in her testimony, when asked this question-"You don't apply for yourself upon the ground that you have forfeited your right?" she answered-"Yes sir, I have forfeited my right by living somewhere else....".

THE EVIDENCE IN THIS CASE SHOWS: That the said Myrtle C. Pettee is a Cherokee by blood, that she was born in the Cherokee Nation and from the date of her birth until the year 1888 resided in said Nation, and was on the date last above mentioned a bona fide citizen thereof; that in 1887 or 1888 she married one Harry Anson Pettee a non-citizen of the Cherokee Nation, and in the year 1888 removed with him to the state of Colorado, leaving no effects in the Cherokee Nation, and resided with her said husband in the state of Colorado up to and including September 1, 1902.

It is therefore considered that the said Myrtle C. Pettee forfeited her right to Cherokee citizenship, under Section 2, Article 1, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;".

The evidence further shows that the applicants, Hiram P. and Edward Brooks Pettee are children of the said Myrtle C. and Harry Anson Pettee, that they were born in the state of Colorado subsequent to the removal of their said mother from the Cherokee Nation, have continuously resided in said state since birth, and possess no rights to enrollment not possessed by their said mother.

The premises considered, I am of the opinion that application for the enrollment of Myrtle C. Pettee as a Cherokee citizen was not made to the Commission to the Five Civilized Tribes within the time limited by the provisions of Section Thirty of the Act of Congress above noted, and that this office is now without jurisdiction in the premises, and should refuse to receive, consider, or make further record of her claim to Cherokee citizenship, and it is so ordered, and it is ordered and adjudged that, under Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) Hiram P. Pettee and Edward Brooks Pettee are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied.

SIGNED. *[Signature]*

COMMISSIONER

Dated at Muskogee, Indian Territory,

this FEB 19 1906

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-190.

ADDRESS ONLY
COMMIS. TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Myrtle C. Pettee for the enrollment of her two children, Hiram P. and Edward Brooks Pettee, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,


Acting Chairman.

Enc. R-6.

COPY.

Muskogee, Indian Territory, May 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Myrtle C. Pettee for the enrollment of her two children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation, including the decision of the Commission dated May 20, 1902, refusing the application for the enrollment of Hiram P. and Edward Brooks Pettee as citizens of the Cherokee Nation.

Very respectfully,

SIGNED: *Tams Bixby.*
Acting Chairman.

Enc. R-190.

Through the Commissioner
of Indian Affairs.

Cher. R-190.

COPY.

Muskogee, Indian Territory, May 30, 1902.

Myrtle C. Pettee,

Vinita, Indian Territory.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your two children, Hiram P. and Edward Brooks Pettee, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tamo Bixby.*

Acting Chairman.

Enc. R-190.
Registered.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,
Office of Indian Affairs,
Washington, August 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Myrtle C. Pettee, for the enrollment of her two children Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation.

The record shows that Myrtle C. Pettee is 29 years of age; was born in Cabin Creek, I. T.; and was married in 1887 to Harry Anson Pettee. Her name appears on the Cherokee strip payment roll, but the names of her children are not found on any of the Cherokee rolls. She was admitted to citizenship in 1880, but her name does not appear in the certificate of admission. She removed from the Cherokee Nation at the time of her marriage in 1887, and her children were born in Colorado subsequent to her removal.

Enrollment was denied in this case because applicant did not reside in Cherokee Nation. It is respectfully recommended that the Commission's decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

D. C. No. 14859-1902.

L. R. S.

RAY.

ITD. 5247-1902.

DEPARTMENT OF THE INTERIOR.

Washington, September 4, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With letter of May 20, 1902, you transmitted the record and your decision of that date, in matter of the application of Myrtle C. Pettee for the enrollment of her minor children, Hiram P. and Edward Brooks Pettee, as citizens of the Cherokee Nation.

The evidence shows that said children were born in the State of Colorado and have never lived in the Indian Territory. Their mother, as well as themselves, is identified on the Cherokee Strip Payment Roll of 1894. In accordance with paragraph 9, section 21, act of June 28, 1898 (30 Stat., 495), you denied the application. Myrtle C. Pettee and her husband appear to have resided in Colorado continuously since 1887.

Forwarding the papers August 18, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

END.

COPY.

Charlene S. 1902.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Myrtle C. Pettee for the enrollment of her two minor children, Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

James S. Kirby
Acting Chairman.

COPY

Cherokee N 190.

Muskogee, Indian Territory, October 7, 1902.

Edgar Smith,

Attorney for Hiram P. Pettee, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Myrtle C. Pettee for the enrollment of her two minor children, Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

Jesse D. Doby.

Acting Chairman.

COPY.

Cherokee N 190.

Muskogee, Indian Territory, October 7, 1902.

Myrtle C. Pettie,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of your two minor children, Hiram P. and Edward B. Pettie, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,

Acting Chairman.

(COPY)

JP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FMR

I.T.D. 5247-1902
7162-1903

April 7, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 4, 1902, the Department affirmed your decision rejecting the application of Myrtle C. Pettee for the enrollment of her two minor children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian office concurred in your suggestion in its letter of October 7, 1903.

In view of the opinion of the Assistant Attorney General of ~~XXXXX~~ December 29, 1903, in the case of Allie Williams, and his opinions of March 12, 1904, in the cases of Julia A. Moore et al., and Mary L. Strickland et al., the Department finds no reason to disturb its decision of September 4, 1902.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

(MEM)

COPY.

Cherokee N-180.

Muskogee, Indian Territory, June 6, 1905.

James S. Davenport,

Attorney for Hiram P. Pettee, et al.,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 30, 1905, inclosing, for transmission to the Secretary of the Interior, motion for a rehearing in the matter of the application for the enrollment of Hiram P. Pettee, et al. as citizens by blood of the Cherokee nation. Said motion has this day been transmitted to the Department.

Respectfully,

B. H. Hec.
Commissioner in Charge.

COPY.

Cherokee B-140.

Muskogee, Indian Territory, June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted motion for a rehearing in the matter of the application for the enrollment of Hiram P. Pettee, et al. as citizens by blood of the Cherokee Nation, this day filed with the Commission by James E. Davenport, attorney, Vinita, Indian Territory.

Respectfully,

Incl. S-47

J. S. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

D.C. 31429-1905
I . T . D. 7186-1905

J.P.
FHE

DEPARTMENT OF THE INTERIOR

L R S

WASHINGTON.

June 22, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The department has considered a motion to reopen the Cherokee enrollment case of Myrtle C. Pettee, for her children Hiram P. and Edward B . Pettee, and to be "allowed to continue her application to include herself, submitted with your letter of June 6, 1905.

At the time Mrs. Pettee appeared before your Commission in 1900 she stated that she did not apply for enrollment that she considered she had forfeited her rights. In the testimony then given she alleged that she had a farm in the Cherokee Nation and that her children had. It is now asserted "that she can show if permitted to do so that at the time she appeared before the Commission she owned property in the Cherokee Nation and had owned it continuously since she attained her majority.

The statements as to ownership of effects in the Nation are too indefinite to warrant a rehearing, in view of the fact that Mrs Pettee has resided with her husband out of the Nation since 1887. If the party will make affidavit and have it

-2-

corroborated, showing the exact nature of the property owned in the nation and just when it was acquired, the motion will be further considered. A copy of such affidavit must be served upon the attorney for the Cherokee Nation. She will be allowed thirty days from notice by you within which to file such affidavits.

Respectfully,

(Signed) E. A. Hitchcock
Secretary

REPLY IN REPLY TO THE FOLLOWING:
Cherokee R-190.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JK*

[Handwritten signature]
Muskogee, Indian Territory, August 8, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that there have this day been forwarded to the Commissioner of Indian Affairs affidavits received from J. S. Davenport, attorney for Hiram P. Pettee, et al., Cherokee R-190. The same are filed in support of a motion to have said case reopened, and are forwarded in accordance with the request of the attorney for applicants.

Respectfully,

W. O. Beall
Acting Commissioner.

GHL

COPY.

Cherokee R-190.

Muskogee, Indian Territory, August 8, 1905.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

On June 5, 1905, there was forwarded to the Department a motion of J. S. Davenport to have reopened the Cherokee enrollment case of Hiram P. Pettee, Cherokee R-190. This office is in receipt of a letter, dated August 4, 1905, from J. S. Davenport, Vinita, Indian Territory, inclosing affidavits of Myrtle C. Pettee and George Hendry in support of said motion, with the request that they be forwarded to you.

The same are inclosed herewith.

Respectfully,

Incl. L-164.

GHL

SIGNED

Wm. C. Bruce
Acting Commissioner.

Cherokee R-190.

COPY

Muskogee, Indian Territory, August 8, 1905.

J. S. Davenport,
Vinita, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of August 4, 1905, inclosing affidavits in support of your application to have reopened the Cherokee enrollment case of Hiram P. Pette et al., Cherokee R-190.

You are advised that the same have this day, in accordance with your request, been forwarded to the Commissioner of Indian Affairs.

Respectfully,

GHL

(SIGNED)

W. M. C. Beall
Acting Commissioner.

D. C. 44007-1905.
I.T.D. 7347, 8902,
10714-1905.

Y.P.
LLE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.RS.

September 9, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 6, 1905, the Commission to the Five Civilized Tribes submitted a motion for rehearing in the Cherokee enrollment case of Hiram P. Pettee and Edwards Brooks Pettee. Myrtle C. Pettee, mother of the applicants, seeks "to continue her application to include her self."

The Department June 22, 1905, in letter to the Commission, allowed the parties 30 days from notice within which to file affidavits to corroborate the allegation that during Myrtle C. Pettee's absence from the Cherokee Nation she retained effects in the nation.

August 8, 1905, the Acting Commissioner submitted certain affidavits in the matter.

July 21, 1905, the Indian Office transmitted brief by the attorney for the nation, and on August 7, 1905, the attorney for the claimants submitted the affidavit of Belle Lyman in support of the motion.

It is alleged in the affidavits that Myrtle C. Pettee, who

had not resided in the nation for a number of years, was at the time of her application to be enrolled as a citizen of the Cherokee Nation, in 1900, the owner of a one-sixth interest in a farm and improvements in the nation, near Vinita, and that she owned the same jointly with her brothers and sisters; that she owned said interests from the time she attained her majority up to and including the time of her application to be enrolled. When she disposed of her interest in this farm, which it seems probable she did, is not stated.

The Department does not feel warranted in ordering the enrollment of the applicants upon these ex parte statements. It, however, deems it advisable that a rehearing be had in the matter, at which the nation may have due opportunity to be heard. Decision of the Department of September 4, 1902, is hereby rescinded and the testimony in the case, motion for review, affidavits and argument are returned herewith in order that the rehearing may be had.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

5 inclosures.

Through the
Commissioner of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:
Cherokee N-190.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 23, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the application of Myrtle C. Pettee for the enrollment of her minor children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation, you are hereby advised that this office is in receipt of Departmental letter of September 9, in which the decision of the Secretary of the Interior of September 4, 1902, affirming the decision of the Commission to the Five Civilized Tribes, dated May 20, 1902, rejecting said application, is rescinded and the record returned to this office in order that a rehearing may be had.

The said Myrtle C. Pettee has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 5, 1905, and introduce further testimony in said case. Testimony is especially desired as to whether she retained property interests in the Cherokee Nation while she was living outside of the limits thereof. The Cherokee Nation will also be permitted to appear

on that date and introduce any testimony desired ~~in this case.~~

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

W. O. Beall
Acting Commissioner.

LS

Incl. S-33

Cherokee R-190.

COPY

Muskogee, Indian Territory, September 23, 1905.

Myrtle C. Pettee,

Holly, Colorado.

Dear Madam:

In connection with your application for the enrollment of your minor children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation, you are hereby advised that this office is in receipt of Departmental letter of September 9, in which the decision of the Secretary of the Interior of September 4, 1902, affirming the decision of the Commission to the Five Civilized Tribes, dated May 20, 1902, rejecting your application, is rescinded and the record returned to this office in order that a rehearing may be had.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at 9 o'clock, A.M., on Thursday, October 5, 1905, and introduce further testimony in said case. Testimony is especially desired as to whether or not you retained property interests in the Cherokee Nation while you were living outside of the limits thereof.

-2-

The Cherokee Nation will also be permitted to appear
on that date and introduce any testimony desired in this case.

Respectfully,

(SIGNED).

Wm. O. Beale
Acting Commissioner.

LS

Register.

Cherokee R-190.

COPY.

Muskogee, Indian Territory, September 23, 1905.

James S. Davenport,

Attorney for Hiram P. Pettee, et al.,

Vinita, Indian Territory.

Dear Sir:

In connection with the application of Myrtle C. Pettee for the enrollment of her minor children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation, you are hereby advised that this office is in receipt of Departmental letter of September 9, in which the decision of the Secretary of the Interior of September 4, 1902, affirming the decision of the Commission to the Five Civilized Tribes, dated May 20, 1902, rejecting said application, is rescinded and the record returned to this office in order that a rehearing may be had.

The said Myrtle C. Pettee has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 5, 1905, and introduce further testimony in said case. Testimony is especially desired as to whether she retained property interests in the Cherokee Nation while she was living outside the limits thereof.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony desired in this case.

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

SIGNED

Wm O. Beale
Acting Commissioner.

LS

Incl. 3-32

REPLY IN REPLY TO THE FOLLOWING:
Cherokee R-190.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 20, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

On September 23, 1905, Myrtle C. Pettee, mother of Hiram P. and Edward B. Pettee, was notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 5, 1905, and introduce further testimony in connection with her application for the enrollment of her said children. She failed to appear in response to the notice of this office, and she has again this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, November 2, 1905, and introduce further testimony in said case.

Respectfully,

LS

Commissioner.

Cherokee R-190.

COPY.

Muskogee, Indian Territory, October 20, 1905.

James S. Davenport,

Attorney for Hiram P. Pettee, et al.,

Vinita, Indian Territory.

Dear Sir:

On September 23, 1905, Myrtle C. Pettee, mother of Hiram P. and Edward B. Pettee, was notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, October 5, 1905, and introduce further testimony in connection with her application for the enrollment of her said children. She failed to appear in response to the notice of this office, and she has again this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce further testimony in said case.

Filed with your motion to have this case reopened are affidavits signed by Mattie L. Wilson and Harry Anson Pettee, and you are requested to have them present on said date.

Respectfully,

LS

Commissioner.

Cherokee R-190.

Muskogee, Indian Territory, October 20, 1905.

Myrtle C. Pettee,

Holly, Colorado.

Dear Madam:

On September 23, 1905, you were advised that the decision of the Secretary of the Interior, affirming the decision of the Commission to the Five Civilized Tribes rejecting your application for the enrollment of your children, Hiram P. and Edward B. Pettee, was rescinded and the case remanded to this office for a rehearing. You were also notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, October 5, 1905, and introduce further testimony in said case. You failed to appear in response to the notice of this office, and you are again directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce further testimony in the matter of said application. Testimony is especially desired as to whether or not you retained property interests in the Cherokee Nation while you were living outside the limits thereof.

Filed with the motion to have your case reopened are affidavits signed by Mattie L. Wilson and Harry Anson Pettee, and

-2-

you are requested to have them present on the above date in order
that their testimony may be taken.

Respectfully,

LS
Register

SIGNED.

James S.
Commissioner.

REFER TO REPLY TO THE FOLLOWING:
Cherokee R-120.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 3, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the hearing in the Cherokee enrollment case of Hiram P. Pettee, et al., has been continued from November 2, to November 16, 1905, at which time Myrtle C. Pettee, mother of Hiram P. Pettee and Edward B. Pettee, has been notified to appear before the offices of the Commissioner to the Five Civilized Tribes and introduce further testimony as to her residence and property interests in the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,



Commissioner.

LS

Cherokee R-190.

COPY.

Muskogee, Indian Territory, November 3, 1905.

Myrtle C. Pettee,

Holly, Colorado.

Dear Madam:

You have heretofore been advised by registered letter that the Cherokee enrollment case of your minor children, Hiram P. and Edward B. Pettee, had been reopened by the Department, and remanded to this office for further hearing, and that the case would be taken up for final hearing on October 5, 1905, at which time you were directed to introduce further testimony as indicated in this office's former letter. You failed to appear on that date, and on motion of your attorney, James S. Davenport, Vinita, Indian Territory, the case was continued until Thursday, November 2, 1905. You failed to appear on that date, and you are hereby advised that on Thursday, November 16, 1905, at nine o'clock A. M. you will again be given an opportunity to appear before this office for the purpose of introducing testimony as formerly indicated to you.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

COPY.

Myrtle C. Pottes---2.

You are further advised that Messrs. Cravens, Rutherford
& Cravens, of Muskogee, Indian Territory, have been entered as at-
torneys in this case.

Respectfully,

SIGNED

Tame Bixby.
Commissioner.

LS
Register

COPY.

Cherokee R-190.

Muskogee, Indian Territory, November 2, 1905.

Cravens, Rutherford & Cravens,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the hearing in the Cherokee enrollment case of Hiram P. Pettee, et al., has been continued from November 2, to November 16, 1905, at which time Myrtle C. Pettee, mother of Hiram P., and Edward B. Pettee, has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes and introduce further testimony as to her residence in the Cherokee Nation and as to her property interests in said nation during her absence therefrom.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony as it desires in this case.

Respectfully,

SIGNED:

Tame Bixby

Commissioner.

LS

Cherokee R-190.

COPY.

Muskogee, Indian Territory, November 29, 1905.

Cravens, Rutherford & Cravens,

Attorneys for Hiram P. Pettee, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of November 16, 1905, had in the matter of the application for the enrollment of Hiram P. Pettee, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

SIGNED,

Geo. D. Rodgers
Acting Commissioner.

Incl. S-215

REFER TO REPLY TO THE FOLLOWING:

Cherokee
R 190

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, and holding that no application was made for the enrollment of Myrtle C. Pettee within the time limited by law.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. GL-82.
OHL

Acting Commissioner.

Cherokee
R 190

COPY.

Muskogee, Indian Territory, February 19, 1906.

Myrtle C. Pettee,
Vinita, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of your children, Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, and holding that no application was made for your enrollment within the time limited by law. Your attorneys, Cravens, Rutherford & Cravens, Muskogee, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in this case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. GL-80.
GHL

LENDING
J. C. Jones
Acting Commissioner.

Cherokee
R 190.

COPY.

Muskogee, Indian Territory, February 19, 1906.

Cravens, Rutherford & Cravens,
Attorneys for Myrtle C. Pettes et al.,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Hiram P. and Edward B. Pettes, as citizens by blood of the Cherokee Nation, and holding that no application was made for the enrollment of Myrtle C. Pettes within the time limited by law. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. GL-81.
GKL

Wm. O. Bence
Acting Commissioner.

Cherokee
R 190

COPY

Muskogee, Indian Territory, February 19, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Hiram P. and Edward B. Pettes, as citizens by blood of the Cherokee Nation, and holding that no application was made for the enrollment of Myrtle C. Pettes within the time limited by law.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Incl. GL-82.
GHL

SIC
Wm O. B. Beale
Acting Commissioner.

COPY.

Muskogee, Indian Territory, February 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Hiram P. and Edward B. Pettee, and the alleged application for the enrollment of Myrtle C. Pettee, as citizens by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, adverse to Hiram P. and Edward B. Pettee, and holding that no application was made for the enrollment of Myrtle C. Pettee within the time provided by law.

On September 9, 1905 (I.T.D. 7347, 8902, 10714-1905), this case was remanded by the Department for further hearing and readjudication.

Respectfully,

Incl. GL-83.
GHL

Through the Commissioner
of Indian Affairs.

Wm. O. B. Hall
Acting Commissioner

P.C. 62106 - 1906.

(COPY)

I.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON

FILE.

I.T.D. 10714-1906.

November 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of September 9, 1905,
ordering a rehearing in the Cherokee enrolment case of Hiram P.
Pettes, et al., it is requested that you submit your report in
the matter at an early date.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskegee, Indian Territory, December 10, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of November 26, 1906 (I.T.D.10714-1906), requesting an early report in the matter of the application for the enrollment of Hiram P. Pettee, et al., as citizens by blood of the Cherokee Nation.

In reply you are advised that the records of this office show that on September 9, 1905, the case of Hiram P. Pettee, et al., was remanded to this office for further hearing and reconsideration; that on February 19, 1906, the Commissioner to the Five Civilized Tribes rendered his decision denying the applicants in said case the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision, together with the record in the case, was, on same date, forwarded the Department for review and decision.

WMP

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
17399-1906
109076- "

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made by Commissioner Bixby, dated February 19, 1906, with which he forwarded the record of proceedings had in the matter of the application for the enrollment of Hiram P and Edward B. Pettee and the alleged application for the enrollment of Myrtle C. Pettee as citizens by blood of the Cherokee Nation.

The records show that on September 28, 1900, Myrtle C. Pettee appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and made application for the enrollment of her two minor children, Hiram P. and Edward Brooks Pettee, as citizens by blood of the Cherokee Nation; that on May 20, 1902, the Commission rendered its decision denying the applicants the right to enrollment as citizens by blood of the Cherokee Nation, which decision was affirmed by the Department on September 4, 1902 (I.T.D.5247-1902); that on September 9, 1905 a motion to reopen the case having been filed on behalf of the applicants, the Department rescinded its decision on September 4, 1902, and remanded the case for further hearing. (I.T.D. 10714-1905).

Pursuant to instructions of the Department, further proceedings were had at Muskogee, I. T., on November 16, 1905, at which time Myrtle C. Pettee attempted to establish that application for her enrollment as a citizen of the Cherokee Nation was made to the Commission to the Five Civilized Tribes within the time specified in section thirty of the act of Congress approved July 1, 1902 (32 Stat. L., 716).

Commissioner Bixby reports that the records of his office show that the only appearance made relative to the enrollment of Myrtle C. Pettee prior to November 16, 1905, was on September 28, 1900, when she appeared before the Commission and applied for the enrollment of her children, Hiram P. and Edward Brooks Pettee.

The evidence shows that Myrtle C. Pettee is a Cherokee by blood; that she was born in the Cherokee Nation and from her birth until 1888 resided near Vinita, and was up to 1888 a bona fide citizen of the Cherokee Nation; that in 1887 or 1888 she married Harry Anson Pettee, a non-citizen, and in 1888 removed with him to Colorado, and resided with her husband in Colorado up to and including September 1, 1902. Under the provisions of section 2, Article 1, of the Cherokee Constitution, it is considered that Myrtle C. Pettee has forfeited her rights to Cherokee citizenship by having removed with her effects from without the limits of the Cherokee Nation.

The evidence further shows that the applicants, Hiram P. and Edward Brooks Pettee, are children of Myrtle C. and Harry

A. Pettee; that they were born in Colorado and have continued to reside in that state since their birth and possess no rights to enrollment as citizens by blood of the Cherokee Nation.

The Office concurs in the decision of Commissioner Bixby that under section 21, paragraph 9, of the act of Congress approved June 28, 1898 (30 State L., 495), Hiram P. and Edward Brooks Pettee are not entitled to be enrolled as citizens by blood of the Cherokee Nation.

The record in the case is enclosed.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

KBM

C

JF.Jr.

DEPARTMENT OF THE INTERIOR, LIE

WASHINGTON/

D.C.4384
I.T.D.80-1907.
IRS.

January 17, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

February 19, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Hiram P. and Edward B. Pettee, and the alleged application for the enrollment of Myrtle C. Pettee, as citizens by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicants.

Reporting January 3, 1907 (Land 109076-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed, not, however, upon the ground that application for the enrollment of Myrtle C. Pettee was not made within the time limited by section 30 of the act of Congress approved July 1, 1902 (32 Stat., 762), but upon the ground that the evidence clearly shows that under section 2 of article 1 of the Cherokee Constitution, this applicant had expatriated herself and her children.

The papers in the case have been sent to the Indian Office
for its files.

Respectfully,

(Signed)

Thos. Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 3 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

R 190

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 30, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Myrtle C. Pattee, et al., as citizens by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully

E.R.C.
Enc.E.C.227

Commissioner.

Cherokee

R 190

Muskegee, Indian Territory. January 30, 1907.

Myrtle G. Pettee,
Holly, Colorado.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of yourself and children, Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 17, 1907.

Respectfully,

E.R.C.

Commissioner.

Cherokee

R 190

Muskogee, Indian Territory. January 30, 1907.

Cravens, Rutherford and Cravens,
Attorneys for Myrtle C. Pettee, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Myrtle C. Pettee, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E.R.C.
Enc. E.C. 232.

Commissioner.

Cherokee
R 190

Muskogee, Indian Territory. January 30, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for the enrollment of Myrtle C. Pettee, et al., as citizens by blood of the Cherokee Nation was affirmed by the Secretary of the Interior on January 17, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E.R.C.
Enc. E.C. 227

Commissioner.

CHEROKEE 190

CHEROKEE CASE

No. *R 190*

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE
APPLICATION FOR ENROLLMENT

"A" OF

James O. Smith
Edward O. Smith
DEMANDED BY THE SECRETARY OF THE
INTERIOR OF THE UNITED STATES

SEP 1895

James O. Smith
Secretary of the Cherokee Nation

Encl.

James O. Smith *Edward O. Smith* *190*

specimen of the Cherokee Nation

CHEROKEE

Chairman

Cher R 191

Cher R 191

"A"

R 191

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 24 1902

ACTING CHAIRMAN.

RECORDED AS TO APPLICANT.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T. September 28, 1900.

In the matter of the application of John A. Masterson for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A John A. Masterson.
Q What is your age? A 28.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A By adoption.

Q For whom do you apply? A Myself, my wife and baby.
Q What is the name of your wife? A Ruby L.
Q What was her name before you married her? A Ruby L. Akin.
Q What is her age? A 24.
Q What is her post-office address? A Vinita.
Q When were you married to her? A 14th day of October 1896.
Com'r Needles: The applicant presents marriage license and certificate that he was married to one Ruby L. Akin a Cherokee citizen by blood on the 14th day of October 1896, according to the laws of the United States. He also presents marriage license and duly authenticated certificate certifying that he was married to one Ruby L. Akin a citizen of the Cherokee Nation by blood, according to the Laws of the Cherokee Nation on the 9th day of August 1897.

Q What is her father's name? A James H. Akin.
Q Is he living? A Yes sir.
Q Her mother's name? A Fannie.
Q Is she living? A Yes sir.
Q What is the name of your child? A Mildred C.
Q How old is it? A One year.
Q This child alive and living with you? A Yes sir.
Com'r Needles: The applicant presents satisfactory proof of birth as to his child Mildred C.
Q How long have you lived in the Cherokee Nation? A Since 1891 January 7th.
Q Continuously? A Yes sir.
Q Are you living with your wife at this time? A Yes sir.
1880 roll for wife, page 215 #17 as Reuban L. Akin Delaware Dist;
1890 roll page 215 3309 Ruby L. Masterson Coe census dist;
1896 roll examined for applicant and name not found.

Com'r Needles: John A. Masterson applies for the enrollment of himself, wife and child, and he presents certificate of marriage certifying that he was married according to the laws of the Cherokee Nation on the 9th day of August 1897 to one Ruby L. Akin, and her name is found upon the authenticated roll of 1880 her name is also found upon the census roll of 1896, as Ruby L. Masterson; he presents satisfactory proof of birth as to his child Mildred C. one year of age, whose name does not appear upon the census roll of 1896. Said Ruby L. Masterson being fully identified according to page and number of the rolls as indicated in the testimony, and satisfactory proof of birth as to her child being filed, she the said Ruby L. Masterson and her child Mildred C. will be duly listed for enrollment by this Commission as Cherokee citizens by blood; the certificate of marriage presented by John A. Masterson shows that he was married to his wife on the 9th day of August 1897, too late under the laws of the Cherokee Nation for non-citizens who married citizens to acquire any rights of citizenship; consequently the application of John A. Masterson for the enrollment of himself will be refused and his name will be rejected.

John A. Eastman et al 2

M.D. Green, a duly sworn stenographer to the Commission on the part of the Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this 22 day of September 1900.

C. H. [Signature]

Commissioner.

11
Q
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 12 1900

W. A. CARMAN

CHEROKEES BY BLOOD AND ADOPTION.

Name John A. Martenson Date SEP 28 1900 1 1900.
 District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Accepted / married

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License upton Certificate upton

Names of Children:

<u>all</u>	Dist. <u>15th</u>	Year <u>1895</u>	Page <u>1</u>	No. <u>1</u>	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____

Husband and of Ruby L. Martenson

#3635

2

191

1913

1913

1913

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John A. Masterson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 191, it is entitled John A. Masterson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. D. Needles.*
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 191.

(COPY)

Cherokee R 191.

Muskogee, Indian Territory,
February 14, 1902.

Mr. John A. Masterson,

Vinita, Indian Territory.

Sir:

On the 28th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married on the 14th day of October, 1896, to one Ruby L. Akin, a citizen by blood of the Cherokee Nation. Said marriage was in accordance with the laws of the United States; that you are not identified on the Cherokee Census roll of 1896.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1896 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted, and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may

have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; x x x x x"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law as applicable in this case is as follows:

Sec. 659: "Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware, or Shawnee' woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

Sec. 660: "Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk

a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a 'certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter!'

Sec. 663: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

It further appears from the testimony that you were subsequently married to your wife, Ruby L. Masterson in accordance with the laws of the Cherokee Nation on the 9th day of August, 1897, and that you base your application for enrollment upon the foregoing.

The Cherokee law as applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of law conflicting herewith, are hereby repealed."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings has in this

Cherokee 2 191

-4-

application is enclosed herewith.

This decision, with a copy of the proceedings has in this case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES

BY (Signed) ~~James D. Smith~~ *T. B. Needles.*

~~Acting Chairman.~~
Commissioner in Charge.

Enclosure

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 14 1902

Received of the Clerk of the Court

hereof of the Cherokee Nation, to wit: John A. Masterson, one copy of the Commission's letter of
and petition of the Cherokee Nation, to wit: John A. Masterson, one copy of the Commission's letter of
John A. Masterson *as a citizen of the*
Cherokee Nation

Attorney for Cherokee Nation

Cherokee No. R. 191.

MR

ENCLOSURE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

L. R. S.

WHR

J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2054-2062-1902.
D. C. 6206-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of John A. Masterson, No. R 191, for enrollment in said nation, as an intermarried citizen, is hereby rejected because he was married in accordance with Cherokee law subsequent to the Cherokee law of December 16, 1895, which provides that thereafter non-citizens marrying citizens of the Nation should acquire no rights in the Nation except political.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.J.

L. R. S.

P.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

GR

INDEX

of the Chairman

Cherokee H-191

Muskogee, Indian Territory, April 17, 1902.

Mr. John A. Mastersen,

Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee-R-191.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John A. Masterson, Cherokee No. R 191, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 190.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

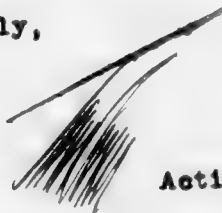
Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Myrtle C. Pettee for the enrollment of her two minor children, Hiram P. and Edward B. Pettee, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 4, 1902.

Respectfully,



Acting Chairman.

Cher R 192

Cher R 192

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF DORA COMFORT FOR THE
ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN? AND ALSO FOR THE
ENROLLMENT OF HER HUSBAND AND TWO CHILDREN AS CHEROKEE CITIZENS.

The said Dora Comfort, being sworn and examined by Commis-
sioner C. R. Breckinridge, testified as follows:

Q What is your name? A Before I was married my name was
Dora Daugherty.

Q What is your name now? A Dora Comfort.

Q How old are you? A Twenty-three years old.

Q What is your post office? A Vinita.

Q In what district do you live? A Cooweescoowee.

Q Who is it you want to have put on the roll? A Myself.

Q And your husband? A Yes, sir.

Q And anybody else besides that baby? A I have got another
baby right back yonder.

Q Two children? A Yes, sir; two children.

Q Are you a Cherokee by blood? A Yes, sir.

Q What proportion of Cherokee blood do you claim? A I
don't know that. I am a Cherokee and a Shawnee both.

Q Is your husband a white man? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Ever
since I can remember.

Q Were you born here? A Yes, sir.

Q You have lived here all your life? A Yes, sir.

Q Give me the name of your father. A Isaac Daugherty.

Q Is he dead or alive? A I don't know that. He is dead,
I reckon; he went off. My mother and father is both dead.

Q Give me your mother's name. A Before she married it
was Caroline Beck.

Q You think she is dead, do you? A Yes, sir; she is dead.
I was a little bit of a thing when she died.

Q When were you married? A In 1895.

Q Now, what is your husband's name? A W. F. Comfort.

Q What is the W for? A Bill, they call him.

Q William, then? A Yes, sir; I reckon.

Q How old is he? A Twenty-eight.

Q He is a white man you say? A Yes, sir.

Q What time in 1895 were you ~~married~~ married? A In
December.

Q Have you the marriage license and certificate?

A No, sir.

Q You can't get them, can't you? A Yes, sir.

Q What day in December were you married? A December
14th.

Q Were you ever married before you married your present
husband? A No, sir---how is that?

Q Is this the only time you were ever married? A I
was married before, and I just staid with him three weeks.

Q But you were married to him? A Yes, sir; I was married
to him.

Q What was the name of your husband? A Jerry Brown

Q When did you marry Jerry Brown? A It has been about
six or seven years. I was young and didn't know nothing.

Q You lived with him about three weeks? A Yes, sir.

Q Well, did you get a divorce from him? A No, sir; he married before I did.

Q You never had a divorce from him? A No, sir.

Q You didn't apply for one yourself? A No, sir.

Q Give me the names of your children? A Susie.

Q How old is that child? A Three years old.

Q The name of the next child? A Willie.

Q How old is that child? A One year old.

Q Susie is too young to be on the roll of 1896? A I think we did, I am not sure.

Q This is your husband sitting here, is it? A Yes, sir.

Q You and he have lived together ever since your marriage?

A Yes, sir.

Q All the time in the Cherokee Nation? A Yes, sir.

Q These children are both living now are they? A Yes, sir.

Q What district were you in in 1890? A Delaware

District.

1890 Roll, page 249, No. 835, Dora Daugherty, Delaware District, native Cherokee.

1896 Roll, page 147, No. 1446, Dora Daugherty, Cooweescoowee District.

Q What is that D. in your husband's name for? A Bill.

Q W is for Bill, what is the D for?

A I don't know, it is just an initial.

THE COMMISSIONER: The applicant applies for the enrollment of herself, her husband and two children. She is identified on the 1890 and 1896 rolls as a native Cherokee; she has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood. When she presents proper proof of the birth of her two children, Susie and Willie, they also will be listed for enrollment as Cherokees by blood.

She is not able to present at this time her husband's marriage license and certificate. He is present during the application. She states they were married December 14th, 1895, but his name does not appear upon the roll of 1896. It also appears that the applicant was married previously to a white man, with whom she lived only three weeks; that she never procured a divorce from that man. She states that after her former husband married she married her present husband. The applicant is identified on the roll of 1896 under her maiden name. In view of the apparent illegality of their marriage from the lack of divorce from the former husband and the probability that the present marriage was consummated after the Cherokee law of 1895, the application for the enrollment of the husband is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of October 1900.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 28 1900

Q.

[Handwritten signature]

A. C. ADAMS

12

000WEE8C00WEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

28 William B. Comfort, Vinita, Ia. Date SEP 28 1900 1900.
Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage Dec 14 1895

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

78192

2

~~2~~

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 28th, 1900.

SUPPLEMENTAL TESTIMONY OF DORA COMFORT, ELICITED FOR THE PURPOSE OF USING THE SAME IN OTHER CASES.

The said Dora Comfort, being sworn by Commissioner C. R. Breckinridge, was examined by Mr. Joel L. Paugh, representative of the Cherokee Nation, and testified as follows:

- Q Give your name, age, residence and post office, please.
A Dora Comfort, twenty-three years old, Cooweescoowee District, and Vinita is my post office.
Q How long after you and your husband were married before you separated, that is your first husband, this man Brown you married. How long had you married him before you separated?
A I don't understand.
Q How long did you live together? A A Just three weeks, I said.
Q Did he leave you or did you leave him? A I left him.
Q What was the trouble? A He was so honory I couldn't live with him.
Q Did he provide for you? A No, sir.
Q He didn't do anything to keep you? A No, sir.
Q And afterwards who did he marry? A He married a Shawnee woman.
Q There was no divorce granted? A No, sir.
Witness excused.

The undersigned, being sworn states, that the foregoing is a correct and complete transcript of his stenographic notes of the foregoing supplemental testimony of the said Dora Comfort.

Subscribed and sworn to before me this 17th day of October A. D. 1900.

J. M. McLean
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dora Comfort for the enrollment of her husband, William D. Comfort, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

-0-0-0-

The record in this case shows that on the 28th day of September, 1900, Dora Comfort appeared before the Commission at Vinita, Indian Territory, and then and there made personal application for the enrollment of her husband, William D. Comfort, as a citizen by intermarriage of the Cherokee Nation. Application was also made for the enrollment of herself, and her three minor children, as citizens by blood of the Cherokee Nation, but as they are listed on Cherokee Roll Card Field No. 3701, their case is not passed upon at this time. The evidence in this case shows that about "six or seven years ago" Dora Comfort, a Cherokee and Shawnee by blood, married one Jerry Brown, and after having lived with him for three or four weeks she separated from and left him. From the date of separation up to and including the date of this application there has never been a divorce dissolving that marriage. It further appears that on the 14th day of December, 1896, Dora Brown, nee Daugherty, participated in what purported to be a marriage ceremony with one William D. Comfort, the applicant in this case. William D. Comfort is not identified on any of the rolls of the Cherokee Nation now in possession of the Commission.

The authority of the Commission herein is defined in Paragraph 1, Sec. 21, of the act of Congress, June 28, 1896. (30 Stats., 495).

Cherokee N 192 - 2 -




The so-called marriage heretofore shown is absolutely null and void from the fact she was never divorced from her husband Jerry Brown. The Cherokee law applicable in this case is as follows:

Section 692: "All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings;....."

Therefore it is the opinion of this Commission that William D. Comfort is not lawfully entitled to be enrolled as a citizen by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for his enrollment as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T.
May 24, 1902


Acting Chairman.

Secretary.

Commissioner.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Dora Comfort for the enrollment of her husband, William B. Comfort, as a citizen by blood of the Cherokee Nation, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said person as a citizen of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Encl. R-192.

Class. 1-2 .

COPY.

Washington, D. C. Treasury, May 27, 1907.

William A. Confort,

Vienna, I. C. Germany.

Sir:

There is a general impression among the members of the
Committee on the High School System in the United States that the
entire system of education in the United States is in a
state of general confusion.

The Committee, after a long and careful study of the case,
is this day recommending that the Government should
view the situation.

The Committee is of the opinion that the Government should
as soon as possible.

Very truly,
Yours,

James D. Byrd.

10 1000.

Encl. 0-11.

COMMISSIONERS
HENRY L. DAVIS.
TAMM BERRY.
THOMAS B. HADDLES.
C. R. BUCHHEIMER.

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Char. B-322.

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William B. Comfort as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Acting Chairman.

Encl. C-7.

COPY.

Refer in reply to the following:
Land.
31848-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, June 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made May 27, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the recording of proceedings in the matter of the application of Dora Comfort for the enrollment of herself, her husband and their minor children as citizens of the Cherokee Nation.

The record in this case shows that Dora Comfort, nee Dougherty is a Cherokee Shawnee by blood; that prior to her marriage to William B. Comfort she married one Jerry Brown; that after living with him three or four weeks, she separated from him; that they have not been divorced, and that on December 14, 1895, she married her present husband.

Section 692 of the Cherokee Laws is in part as follows:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings;"

The Commission held on May 27, 1902, that William B. Comfort was not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

-2-

From the record in the case the office believes that the decision of the Commission is correct and respectfully recommends its approval.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

COPY.

DEPARTMENT OF THE INTERIOR.

F.

D.C.10951-1902.
I.T.D.3581-1902.

Washington, June 27, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 27, 1902, you transmitted the record in the matter of the application of Dora Comfort for enrollment of her husband, William B. Comfort, as a citizen by intermarriage of the Cherokee Nation.

It appears that Dora Daugherty (afterwards Comfort) married one Jerry Brown, from whom she separated; that no divorce dissolving that marriage has ever been granted; that on December 14, 1895, Dora Brown (nee Daugherty) married William B. Comfort, the applicant herein. You held that this so-called marriage was absolutely void under section 692 of the Cherokee law, and refused the application.

The Acting Commissioner of Indian Affairs June 6, 1902, recommends that your decision be approved.

The Department affirms said decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) F. L. CAMPBELL,

Acting Secretary.
EMD

1 inclosure.

Cherokee R-192.

COPY.
Muskogee, Indian Territory, July 12, 1902.

Dora Comfort,

Vinita, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date May 27, 1902, rejecting your application for the enrollment of your husband, William B. Comfort, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 27th day of June, 1902.

Respectfully,

James D. Dwyer
Acting Chairman.

Register.

DR

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

SEEKING ONLY THE FOLLOWING

Cherokee R-192.

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1902.

W. W. Hastings, Esq.,

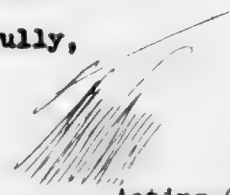
Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date May 27, 1902, rejecting the application of Dora Comfort for the enrollment of her husband, William B. Comfort, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 27th day of June, 1902.

Respectfully,



Acting Chairman.

564
498



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Return to White~~
UNCLAIMED

~~80-18~~



Cher R 193

Cher R 193

Ch.

~~SECRET~~

7540

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 28th, 1900.

IN THE MATTER OF THE APPLICATION OF ELIAS H JENKENS FOR THE
ENROLLMENT OF HIMSELF AS A CHEROKEE CITIZEN.

The said Elias H. Jenkins, being sworn and examined by
Commissioner C. P. Breckinridge, testified as follows:

Q How old are you? A Sixty-four.
Q What is your post office? A Vinita.
Q What district do you live in? A Coweeseow co.
Q Who is it you want to have put on the roll, yourself?
A Yes, sir; myself.
Q Anybody else? A No, sir.
Q Do you apply as a Cherokee by blood? A Well, I married
according to the laws of the Cherokee Nation.
Q You are a white man, an intermarried Cherokee? A Yes,
sir.
Q Where is your certificate of marriage and license? A
Here it is.
Q You were married in 1867? A Yes, sir.
Q How long did you live with your wife? A Until she
died.
Q When did she die? A She died in 1878.
Q Are you on the roll of 1880? A I don't know, I guess
so.
Q Have you ever married since she died? A No, sir.
Q What district did you live in in 1880? A I guess
Tahlequah. John Gunter promised to put me on the roll down there.

THE COMMISSIONER: The applicant has a certificate showing that
he was married in accordance with the Cherokee law to a Cherokee
woman in 1867. He states that she died before the roll of
1880 was made, and claims he has not married since her death, but
he is not identified on the roll of 1880 or 1896. It does not
appear that he has been able to sustain his claim to citizenship
before the Cherokee authorities, and his application for enroll-
ment at this time will be rejected.

-----o-----
The undersigned, being sworn states that as stenograph-
er to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and other proceedings in this application
for enrollment, and that the foregoing is a correct and complete
transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of October 1900.

C. P. Breckinridge
Commissioner.

7-13

Wife of [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE NO. 1
JUL 19 1901

ACTING CHAIRMAN

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a letter or report, possibly dated July 19, 1901, and mentions the Department of the Interior and the Commission to the Five Civilized Tribes. The text is oriented vertically on the page.]

Cherokees by blood.

SUPPLEMENTAL, Rejected card #193.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., May 31, 1901.

In the matter of the application of Elias H. Jenkins for the enrollment of himself as a Cherokee citizen by intermarriage; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:

Com'r: Wade S. Stanfield, having duly qualified as attorney before the Commission, appears as attorney for the applicant.
W.W. Hastings, attorney for the Cherokee Nation.

- Q Give me your full name? A Elias Jenkins.
Q How old are you? A 64.
Q What is your postoffice address? A Vinita.
Q You made application before the commission in September last did you? A Yes sir.
Q You applied as an intermarried Cherokee, I believe? A Yes sir.
Q Have you at this time your evidence of marriage, have you with you your Cherokee license and certificate? A Yes sir.
Q Give me the name of the wife through whom you claim? A Armandy Jane Schrimsher.
Q When was it you and she married? A Itson the license there.
Q Do you remember when it took place? A No sir, not exactly.
(Note: Mr. Simon R. Walkingstick, official interpreter for the Dawes Commission, being called, says Cherokee license shows they were married in April, 28th, 1867.)
Q Who was it performed this ceremony for you? A Eli Butler.
Q Was he a minister? A Yes sir, and a judge too.
Q Have you a middle name? A Elias H.

Com'r: The applicant files a license issued the 28th of April, 1867, by the clerk of Delaware District, authorizing marriage between himself and his wife, as stated by him, and the certificate indorsed thereon in Cherokee is translated to the effect that they were married on same date as the license, by Eli Butler, the Judge of the District; this is filed herewith.

- Q When did your wife die? A In '76.
Q Did you live with her until she died? A Yes sir.
Q Were you ever married except to this wife? A Not since.
Q Were you married before you married her? A Yes sir.
Q How many times? A Oncet.
Q Was your former wife dead when you married this wife? A Yessir.
Q Was this wife Armandy J. Schrimsher, ever married before she married you? A Yes sir.
Q How many times? A Just once.
Q Was her former husband dead when she married you? A Yes sir, he was killed in the Civil War.
Q Now you state in your former testimony that you had never married since this wife, Armandy died? A Yes sir.
Q How comes it you are not upon any roll since that time? A I couldn't say, I have been a legal voter all the time.

Com'r: The applicant presents a permit, signed by the Clerk of Cooweescoowee District, on the 17th of December, 1890 authorizing him to employ ~~man~~ one Mary J. Hunt; this is filed herewith. He likewise files a permit from the clerk of Cooweescoowee District, under date of July 3, 1893, authorizing him as a Cherokee citizen to employ the same person, Mary J. Hunt. He likewise introduces a permit issued by the clerk of Cooweescoowee District, under date of June 3, 1893, authorizing him to employ Mary J. Hunt. These documents are filed herewith. The first permit contains sundry indorsements, renewal.

- Q Did you ever apply for admission or readmission or recognition

Elias H. Jenkins sup'l 2

in any way to the Cherokee Council or to the Cherokee court on citizenship? A No sir, I never did.

Q Did you apply to the Dawes Commission in 1896 for recognition or admission as a Cherokee citizen? A '96?

Q Yes? A No sir, I never knew I hadn't married according to law.

Q Did you apply for enrollment in 1880? A I understood Mr. Gunter put my name on the roll down at Tahlequah; he told me he did, when he come back.

Q When the census roll of 1896 was taken did you know that your name had not been put on the roll of 1880? A No sir.

Q Did you apply for enrollment when they were taking the census in 1896? A I was all the time at home.

Q I am asking you if you applied for enrollment when they were taking the census in 1896? A No sir, I didn't, because I supposed the officers would attend to their duty.

Q You made no application to be put on the roll? A No sir.

Q You did not go to the officers? A They come to my house.

Q Did the officers come to your house in 1896? A Yes sir.

Q Have you lived in the Cherokee Nation ever since you married your Cherokee wife in '67? A Yes sir.

BY MR. HASTINGS, Cherokee Representative:

Q I believe you stated you have lived here all the time since '67? A Yes sir.

Q Never lived out of the Cherokee Nation? A Never a day sir, only when I would pass out and come in.

Q Where have you lived? A Right here on Cabin Creek all the time except two years.

Q How many far from Vinita? A About seven miles is the farthest, I lived on Honey creek two years.

Q You have never married since the death of your wife? A No sir.

Q I believe you say you had been married before you married her?

A Yes sir, I have got boys and grand children.

BY COM'R BRECKINRIDGE:

Q ~~Is there~~ Is there any brother or sister of your wife living? A Yes sir.

Q Who? A Mr. Kelly's wife.

Q Give me her name? A Her name is Sabra Kelly.

Q How long has she had the name of Kelly, more than 20 years?

A No sir.

Q What was her name before it was Kelly? A I can't call it just now, it was a Wyandotte Indian.

Q She had a Wyandotte name before? A Yes sir.

Q You don't remember what it was? A I know it, I can't call it.

Q Did your wife have any other brother or sister living? A No sir, that's the only one living.

Q Is your wife's father or mother living? A No sir.

Q Have you any children by this wife? A Yes sir, two.

Q Give me their names? A Henry Jenkins and Ida Jenkins; she is Ida Harris now.

Q How long has she had the name of Harris? A Quite a little bit, I couldn't say, she has got five children.

Q She was a Jenkins in 1880? A Yes sir.

Q How old is Henry now? A He is about 25 I think.

Q How old is your daughter Ida? A She is 2 years younger than him.

Q About 23? A Yes sir.

Q Is your middle name Henry? A Houston, Elias Houston.

Q You say your son Henry is 25 now? A Yes sir.

Q And your daughter Ida is about 23 now? A 22.

Q Where is your son Henry now? A He lived there at Cabin, He had a little trouble and had to go and get his aunt.

Q How many children did you have by your first wife? A Two.

Q What were their names? A John and David.

Q John and David? A Yes sir, J. J.

Elias H. Jenkins, sup'1 3

- Q Now your son John, is he dead? A No sir.
Q Your first wife was a white woman? A Yes sir.
Q And your son J. J.? A He is a white boy.
Q Is he alive? A Yes sir.
Q Now you went to Tahlaquah to get this enrollment straightened out, how did you get it straightened out in regard to J. J.? A There was lots of them knowed the family you know.
Q But in what way did they straighten it? A They just put Ida's name down I suppose instead of Johnnie's.
Q Did they change it, or did they give you a certificate, or what did they do? A I couldn't say, that I didn't stay in to see what they done, they just give the testimony. I believe Judge Keys was there.
Q How old is your son, John? A He was born in '50.
Q He is about 50 years old now? A Yes sir.
Q How old is your son J. J.? A That's the one I am speaking about David was born in '61.
Q I understand you have got a son John and also a son J. J.? A No sir,
Q What are your children by your first wife? A Boys.
Q Give me their names? A John J. Jenkins and David.
Q How old is your son, John J.? A He was born in '50.
Q How old is David? A Born in '61.
BY MR. HASTINGS:
Q Is Ida named Ida J.? A Ida Josephine, yes sir.
Q Did you apply for yourself when you went down to have your children enrolled in 1880? A Yes sir, and John Gunter told me he had my name put on.
Q He wasn't a member of the Senate in 1880? A No, but when Judge Clingan was sitting.
Q You mean in 1896? A Yes sir.
BY COM'R BRECKINRIDGE:
Q What is the name of the wife of your son Henry? A Della.
Q Was she ever married before she married your son? A No sir.
Q Was he ever married before he married her? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's son identified on page 123 #1563 Henry Jinkine, Cooweescoowee Dist, native Cherokee:

1880 authenticated roll of citizens of the Cherokee Nation page 123 #1564 J. J. Jinkine, Cooweescoowee Dist, native Cher.

Com'r Breckinridge: In the present testimony of Elias H. Jenkins his marriage to his Cherokee wife in 1867 referred to in his original case, Cherokee R 193, is further supported by filing the Cherokee license and certificate relating thereto; it is further developed that he and his wife had both been previously married, but his former wife was dead and her former husband was dead before they contracted marriage; this Cherokee wife of the applicant died prior to the roll of 1880, and as he was not upon any roll taken since his marriage in 1867, and his wife had not lived to be enrolled in 1880 his case was not considered at the time of his first application to be properly supported. It is developed now in the testimony that two children are living of this marriage, namely, Ida J. Harris, the present name of his daughter, and Henry Jenkins, the name of his son, their cases being respectively, straight card 3283, of Ida J. Harris, said case being entitled John W. Harris, and others, and Cherokee Doubtful card #474, of Henry Jenkins, who at the time of his application for himself and others was not identified on the roll of 1880; it is shown that the applicant has never married

NOT TO BE
USED IN
ANY
CASE
EXCEPT
AS
DIRECTED
BY
THE
COMMISSIONER
OF
THE
BUREAU
OF
INDIAN
AFFAIRS
JUL 17 1901

Elias H. Jenkins sup

since the death of his Cherokee wife, and has continued to live in the Cherokee Nation, and as his testimony now is, his former decision in his case is reversed, and he will be listed for enrollment as Cherokee by intermarriage, and it is directed that his rejected card, 193, be cancelled and a straight card be made out for him, and his testimony in his former application be transferred to the new jacket and filed along with this testimony. It is further directed that a copy of this testimony be filed in the case of Henry Jenkins, Cherokee doubtful card 474, and that attention be called thereto on his card, and that his enrollment in 1880 be noted on said card. This appears to make conclusive the right of Henry Jenkins and his family to enrollment; it is developed in this testimony that neither Henry Jenkins or his wife were ever previously married. It is further directed that a copy of this testimony be filed in the case of John W. Harris, and others, Cherokee straight card 3283; it is obvious from the testimony that the J. J. Jenkins identified on the roll of 1880 was intended, as stated by the applicant, for Ida J., his daughter by his Cherokee wife. The only child by this name who could have been complicated with her enrollment at that time was a son of the applicant, John Jenkins, who is his son by his former wife, who was a white woman, and the applicant himself being a white man, that son of course has no claim whatever to enrollment, at least not through the family of the applicant and his Cherokee wife; and it is further evident that on the roll of 1880 the age of another son was erroneously applied to the name as therein enrolled of Henry Jenkins, this son also being a child by the applicant and his first wife, and wholly of white blood, and without shadow of claim through the applicant and his Cherokee wife.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 17, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 27, 1902.

In the matter of the application of Elias H. Jenkins, for the enrollment of himself as a citizen of the Cherokee Nation:

The Commission: The Cherokee Nation makes satisfactory proof of service of notice on Wade S. Stanfield, attorney for the applicant, that its representatives would on the 27th day of February, 1902, introduce testimony at the office of the Commission in Muskogee, Indian Territory, tending to disprove the right of the said Elias H. Jenkins to enrollment as a citizen of the Cherokee Nation. The applicant, this day, to-wit: the 27th day of February, 1902, appears by his attorney G. E. McCullough, representing Wade S. Stanfield.

ARTHUR S. CHAMBERLAIN, being sworn and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your age ? A I am 43 years old.
Q What is your name ? A Arthur S. Chamberlain.
Q What is your post office ? A Vinita.
Q Do you live in the town of Vinita ? A Yes sir.
Q How long have you lived there ? A I have lived there some four years.
Q Where did you live prior to that time ?
A Immediately prior to that I lived out six or seven miles northwest of Vinita.
Q Do you know Elias H. Jenkins, the applicant in this case ?
A Yes sir.
Q How long have you known him ? A About 30 years.
Q Did you know him when he lived with his first wife ? A Yes sir.
Q How far have you lived from him up until five or six years ago ?
Up to the time you moved to town ?
A Most of the time I have lived within about a mile of him.
Q Well from 1875, up to say about 1895 or 6, how far did you live from him ? A Up to about 1881 or 2-- I lived in town another time; but up to about 1881 I lived near him, and then I lived in town for a short time, and then I moved back to the country.
Q Well, who lived out there with him after his wife died ?
A There was a family moved there--that is, a woman with some children lived with him, by the name of Hunt.
Q White woman ? A Yes sir, I think so.
Q She went as a white woman ? A Yes sir.
Q Didn't claim any citizenship ? A No sir I don't think so.
Q About when did she begin to live with him ?
A I do not know just when it was. I can't give you the definite time, but somewhere during the time I was away at school for a short time, about 1878 or 9, right in there.
Q Did she stay in the house with him ? A Yes sir.
Q Who else occupied the house . A Well, at that time I think his son Henry--
Q Any other than their children ? A No sir, I think not.
Q Henry was quite a small boy wasn't he ? A Yes sir.
Q Were all the children small ? A Yes sir.
Q How long did she continue to stay in the house with him ?
A I think she continued to stay there all the time with an intermission now and then, up to the time of her death.
Q When did she die ? A I can't fix that date.
Q About how long ago ? A Some 4 or 5 years ago, maybe 6.

Q Where did she die ? A At his house.
 Q Then she lived there from 1878 or 9 or 80 up until four or five years ago ? A period of fifteen or sixteen or eighteen years ?
 A Yes sir.
 Q Did she have any children while she lived there ?
 A There were several children there reputed as hers.
 Q Known as hers ? A Yes sir.
 Q Born to her while she lived there ? A Yes sir they were reputed to be her children. Of course I don't know anything about their parentage.
 Q How was she known throughout the community, was she known as his wife ? A She was generally considered his wife.
 Q Whose children were these recognized as ?
 A They were talked of as his children.
 Q Did you ever see her name on the church book ? A Yes sir.
 Q How was it enrolled ? A It was enrolled as Mrs. Jenkins; and after Mrs. Jenkins, put in brackets, "Hunt".
 Q You have seen that roll yourself ? A Yes sir.
 Q Well, did he ever say anything to you with reference to this woman, as to what relation he bore to her ? A No sir. I never asked him about it.
 Q You never asked her ? A No sir.
 Q You lived there, with the exception of a short intermission in town, nearly all the time as a close neighbor to him ? A Yes sir.
 Q So far as you know they continued to occupy the same house that whole length of time ? A They lived at different houses on the same place.

Examined by Mr. McCullough:

Q Mr. Chamberlain, were you at their house frequently after this woman came there ? A Not particularly frequently, I was there a number of times.
 Q Do you know how many children each one had at the time she went there to stay with him ? A No sir.
 Q Did each one have children ? A Yes sir. I know how many Mr. Jenkins had; that is, I know his two children by his Cherokee wife.
 Q He had them living there ? A Yes sir.
 Q She had children of her own ? A Yes sir.
 Q Do you know in what capacity she went there to stay with him ?
 A No sir, I do not.
 Q Do you know who put her name on this church record that you speak of ? A Yes sir I know in whose handwriting it was. I knew at the time who had charge of that business.
 Q Whose handwriting was it ? A My father's.
 Q Do you know whether or not it was placed there with the consent of the applicant in this case Elias H. Jenkins ? A I know--
 Q Answer the question yes or no. State whether her name was written Jenkins with his consent ? A I don't know.
 Q Mr. Hastings: You can make any explanation of what you know about it.
 Q Do you know whether or not she lived there continuously with him from the time she went there first to the time she died, or did she make several trips away from there and stay away quite a while ?
 A During that time she might have gone away; there might have been intervals that I didn't know of. I don't know of any such, but then there might have been.
 Q Do you know whether or not they occupied the same bed ?
 A No sir.
 Q Do you know whether they occupied the same room together ?
 A No sir.
 Q Did you ever hear him tell anyone she was his wife ? A No sir.

Q Did you ever hear her tell anyone she was his wife ? A No sir.
 Q You say they lived at different houses on this same place ?
 A Yes sir.
 Q Did they move together back and forth from one house to another?
 A Well, I can't say; they lived at one house, and then they lived at another. I don't know whether they moved together.
 Q Did she live in one house while he lived in another, or did they live in the same house together ?
 A All the time I know of they lived in the same house together.
 Q Did she seem to occupy--she lived with him as his housekeeper did she not ? A Yes sir.
 Q Did you say it was common repute that she was his wife ?
 A Yes sir. That is as near as I can judge the opinion of the neighborhood.
 Q Was it the opinion of the neighborhood that they were married, or that he was holding her out as his common law wife ?
 Q It was the opinion of the neighborhood that they were married, but that they didn't want the fact known.
 Q Nobody ever knew that to be a fact did they ?
 A I don't know whether they did or not.
 Q You never knew it ? A I never knew it.
 Q Do you remember who ever told you that they were married ?
 A Yes sir.
 Q Who told you that these parties were married ? A My father.
 Q Your father ? A Yes sir.
 Q Do you know how he knew it ? A Yes sir.
 Q How ? A When they applied for admission into the church it was his duty to examine them as to how they were living, and after that examination he told me that they had been married, and that they acknowledged the fact before the session.
 Q Your father is not alive now ? A No sir.
 Q Is that a matter of record there ?
 A It is a matter of record in the Presbyterian Church.
 Q Did they tell him how they were married ? A They told him that they were married up in the Seneca or Wyandotte Nation, I don't know which.
 Q Do you know which told him that ? A In his conversation he spoke of them as "they", and I don't know whether both were present or whether he examined them separately.
 Q You don't know whether he examined them separately and Jenkins was absent at the time ? A No sir.
 Q That might have been the case ? A It might have been.

Examined by Mr. Hastings:

Q About how many rooms had these different houses that they occupied ? I believe you stated that they occupied two or three different houses on the same place ? A Yes sir. I am not certain; I can't say whether there was more than one room, but I don't know just how many rooms.
 Q Did you know her children ? A I knew them yes sir. I never was very intimately acquainted with them, but I knew them when I saw them.
 Q Did you know the one that married Landrum ? A Yes sir.
 Q What was her name ? A I have forgotten the name.
 Q What was his name ? A Will Landrum.
 Q Where did he live ? A Before their marriage he lived on Paw Paw west of Vinita, about seven miles. After the marriage I think he moved to one part of the Jenkins place.
 Q You never knew them to live apart after they commenced to live together up to her death ? A No sir.

Examined by Mr. McCullough:

- Q Did she ever tell you that these children born to her while she was there were his children ? A No sir.
 Q Did he ever say that they were his children ? A No sir.
 Q Have you ever talked with her since these children were born ?
 A Yes sir; but not in regard to the children.
 Q Nothing was ever said as to the parentage of the children ?
 A No sir.

 HENRY WOOLMAN, being sworn and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Henry Woolman.
 Q Where do you live ? A About 8 miles northwest of town.
 Q Vinita ? A Yes sir.
 Q How long has that been your home ? A I have been there off and on for twenty two or three years.
 Q Do you know Elias H. Jenkins who lived about there ? A Yes sir.
 Q How long have you known him ? A I think it was about 1878 or '79 that we came on his place.
 Q Did you know a woman who died out there at his place four or five years ago ? A Yes sir.
 Q When did you first know her ? A She was there at Mr. Jenkins when we first moved on his place.
 Q When you moved there in '78 or '79 ? A Yes sir.
 Q Where was she living ? Living with him, in his house ?
 A Yes sir.
 Q How long did she continue to live there ?
 A She lived there until she died.
 Q She died in his house ? A Yes sir.
 Q About how long ago ? A I can't tell just the year, it has been four or five years ago though.
 Q From 1878 or 9 up until 4 or 5 years ago she lived with him in the house there ? A Yes sir.
 Q All this time ? A Yes sir.
 Q Did you ever know of them living apart ? A Several times I was away from there and don't know as to then, but while I was there I never knew them to live apart.
 Q Have you ever stayed all night there ? A Yes sir, I worked there.
 Q Did they occupy the same room ? A Yes sir while I was there.
 Q Do you know whether or not she had any children after 1878 ?
 A She had three that I know of.
 Q What name did these children go by ? A One Bertha--
 Q I mean the sir name ? A Some people calls them Hunt and some Jenkins.
 Q How were these people recognized up there; were they recognized as husband and wife ?
 A That neighborhood thought they was Jenkins' children.
 Q Did he take care of her like a wife ?
 A He did when I was there.
 Q How long did you work there ? A One winter all winter, and then I have worked there off and on.
 Q How many rooms did the house have at that time ?
 A Had a kitchen, down stairs and up-stairs.
 Q Have any beds in the kitchen ? A No sir.
 Q Had beds up-stairs and down stairs ? A Yes sir.
 Q Where did you sleep ? A Up-stairs.
 Q They occupied the down stairs room ? A Yes sir.

- Q No beds anywhere else in the house ? A No sir.
 Q Did you ever hear him say anything about whether she was his wife ? A I never did but once. One time while I was there, there was a woman named Mrs. Harrison that went off with him, and they stayed away a long time, and along in the evening Mrs. Hunt was worrying about them not coming back. I said to her " I expect they have got into it". In a few days Mr. Jenkins got after me about it, and wanted to know why I talked that way to his wife.
 Q You lived around the most of the time in that neighborhood ever since ? A Yes sir.
 Q How many children did she have after 1878 ? A She had 3.

Examined by Mr. McCullough:

- Q Mr. Woolman, you say you worked with them for quite a while ?
 A Yes sir.
 Q Was that shortly after you went there on the place ?
 A No sir, it was three or four years after we come to the country.
 Q Were you living in that neighborhood ? A Yes sir.
 Q What did you say her name was when she went there to live ?
 A Hunt.
 Q How do you know ? A That's what they called her.
 Q Did she ever tell you her name was Hunt ? A No sir.
 Q She had children ? A There was one Jess Hunt.
 Q How many children did she have when you went there ?
 A Just one, there was two more but they never stayed there while I was there. They was Hunt's children.
 Q Did you ever know Hunt ? A No sir. He died just before I went there. She had just moved into Mr. Jenkins' house, and she said her husband had just died.
 Q They just told you that ? A Yes sir.
 Q You never saw them occupy the same bed together ? A No sir.
 Q You don't know whether they did or not ? A No sir.
 Q What kind of a man is Jenkins constitutionally ?
 A He is weak now.
 Q Was he a very weakly man when you knew him first ? A No sir.
 Q When did he become weakly ? A In the last few years. I can't tell that.
 Q Where did you stay when you were there ?
 A I slept up stairs.
 Q How many children did he have ? A He had 4 there at that time.
 Q What were their names ? A One Dave, one John, one named Henry and Ida.
 Q They all stayed there ? A Yes sir.
 Q Where did they sleep ? A The boys slept up stairs.
 Q Where did the girl sleep ? A Down stairs.
 Q With her father and this woman ? A I don't know.
 Q How do you know they slept down there ?
 A There was no beds anywhere else.
 Q You never saw them sleeping in the same ~~room~~ bed ? A No sir.
 Q Nor in the same room even ? A Yes sir I have.
 Q Now ? I would come down early in the morning before the rest got up, and they were there asleep in the room.
 Q In different beds ? A Yes sir.
 Q Where did this girl sleep ? A I don't know.
 Q She slept there ? A Yes sir.
 Q You don't know where she slept ? A No sir.
 Q You never saw her sleeping any place ? A No sir.
 Q Did you see the rest of them asleep any place ? A Yes sir.
 Q Did you see her child ? A He slept with her.
 Q Who slept down stairs ? A Mr. Jenkins, Mrs. Hunt and this girl.

Q You don't know but that Mrs. Hunt and this girl occupied one bed and Mr. Jenkins the other ? A I don't know.

Q That might be so might it not ? A Yes sir.

Q Now, with regard to these children she had while there. Did you ever hear her say they were his children ? A No sir.

Q Did you ever hear him say they were his children ? A No sir.

Q It was just a matter of surmise with the neighbors ? A Yes sir.

Q People just thought that because they lived there in a little house ? A Yes sir.

Q You told someone while you were working there that you saw them in the same room sleeping ? I don't know whether I did or not.

Q You might have done it ? A I might have done it; but everybody else knewed it.

Q Isn't it a matter of fact that you told that ? A I might have, but I don't know.

Q A man is liable to talk about a thing like that ? A Yes sir.

Q If you did tell that it might have given rise to the rumor ? A There was a rumor about it anyway.

Q How long did you work there ? A The first time all winter.

Q You slept there right along ? A Yes sir.

Q You were not married at that time ? A No sir.

Q They occupied roomst at that time just as you have stated ? A Yes sir.

Q How long did you stay there that first time ? A We come along in the winter and left in the spring.

Q During that time she stayed there all the time and kept house ? A Yes sir. We went there to stay on the place, but never stayed, and went on away, and then we come back in about four years, and then I worked there.

Q How long did you stay there at that time ? A I worked all winter.

Q You left in the spring ? A Yes sir.

Q Then you left, and how long did you stay away ? A I was there off and on right along, but I never worked there.

Q Did she have any children during the time you were there ? A She had a girl while I was there.

Q In this interval that you were gone you don't know but that she went away and stayed away a while ? A No sir.

Q After the birth of the first one, how long before another was born ? A I don't know.

Q About how long ? A I can't say.

Q Haven't you any idea ? About how much is the difference in the ages between the first and second child ? A I can't say.

Q You have seen both children, you ought to have some idea ? A I don't know for certain when the first was born.

Q After the time the first was born, she might have gone away again and stayed ? A Yes sir.

Q From the time the second was born until the third was born, were you there then ? A I was there in the neighborhood.

Q You heard of the birth of the child ? A Yes sir.

Q Do you know whose child it was ? A I have an idea that's all

Q From the time the second was born until the third was born do you know whether or not she left there, or whether she lived there continuously or not ? A What time I was there she did.

Q What time were you there ? A I was there off and on.

Q How near did you live to them ? A This last time ?

Q At the time of the birth of this last child ? How near did you live to them at that time ? A I lived about, I expect a mile and a half.

Q From the time of the birth of the second child to the birth of the third child wasn't it possible for her to have been away and you not have known it ? A Yes sir it was possible.

Q All that you know about the parentage of these children is merely rumor ? A Yes sir.

Q All you know about the marriage of these people is merely rumor ?
A Yes sir.

Examined by Mr. Hastings:

Q Now from the time you first knew them you never knew of her living anywhere else except with him did you, up to her death ?

A No sir.

Q If she ever lived anywhere else you never knew of it ?

A No sir.

Q Every time you went there she was there ? A Yes sir.

M. DANIELS, being sworn and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name ? A M. Daniels.

Q What is your age ? A 57 years old.

Q Your post office address ? A Vinita.

Q Do you know Elias H. Jenkins who lives out northwest of Vinita ?

A Yes sir.

Q I will ask you if you have had any transaction with him with reference to writing a bill of sale for any of his children ?

A Yes sir he got me to draw up a bill of sale.

Q For whom ? A For his daughter who married Willie Landrum.

Q What did he say when he came to you to get you to draw up that bill of sale ? A He said his daughter had married Willie

Landrum, and he wanted to give her a place, and asked me if I would draw up a bill of sale for the place, and I did so.

Q Do you know who was the mother of Willie Landrum's wife ?

A From the information I have it was a woman by the name of Mrs. Hunt.

Q Do you know anything more, of your own knowledge, of his having lived with this woman ? A No sir.

Q About when was this ? A About 1897; four or five or maybe six years ago.

Examined by Mr. McCullough:

Q Did you know Mr. Jenkins' children that he had before this woman came there ? A You mean his Cherokee children ?

Q Yes sir. A Yes sir.

Q What were their names ? A Henry Jenkins, and I believe the girl was Ida, who married Wes Harris. That was the children by the Schrimsher woman.

Q Did he have other children besides this ?

A Two that I knew of before he married this Cherokee woman, Dave and John.

Q What was this daughter's name that you drew that bill of sale for ? A Bertha I believe.

Q He called her his daughter ? A He said his daughter married Willie Landrum and he wanted to give her a farm, and asked me to draw the papers.

Q Your understanding was at that time, from him, that this daughter that he spoke of was the daughter of the woman keeping house for him ?

A He didn't say nothing about it, but the information I have since that is that Mrs. Hunt was her mother. This woman that was keeping house there.

Q Then in fact she wasn't his daughter ?

A He said she was his daughter.

Q You don't know anything about these reputed children they had out there ? A No sir, I never visited them. All I know is what he told me at my office at the time he asked me to draw up the bill of sale for him.

Q Did you know this woman Hunt who kept house for him ?

A I wasn't acquainted with her. I probably seen her but wasn't acquainted with her.

HENRY WOOLMAN, recalled, testified as follows:

Q Did you know Willie Landrum's wife ? A Yes sir.

Q What was her name ? A She went by the name of Bertha Hunt.

Q Who was her mother ? This same woman you have been talking of ?

A Yes sir.

Q How old was Ida, Jenkins' daughter when you first went there in 1878 or 9, about how old ?

A I can't tell; she was just a little bit of a girl when I come back there.

Q You would take her to be three or four years old ?

A When I come back I would say she was six or seven.

Q When you first went there she was two or three or four ?

A Something like that.

Q Then he and this woman and this little girl would sleep down stairs alone ? A Yes sir.

Examined by Mr. McCullough:

Q Now this girl that you say slept down stairs, was Mrs. Hunt's girl or Jenkins' girl ? A Jenkins' girl.

Q Mrs. Hunt had a girl at the sametime ? A Yes sir.

Q Did she stay there ? A Yes sir.

Q Where did she sleep ? A She wasn't over one or two years old and I guess she slept with her mother.

Q It was a baby ? A Yes sir a baby.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this March 3, 1902.

[Signature]

Commissioner.

Notary Public.

Subscribed and sworn to before me this November 13, 1903

phases of.

the foregoing is an accurate transcript of his stenographic notes testimony and proceedings had in the above entitled cause and that Commission to the Five Civilized Tribes, he correctly recorded the

E. C. Baskwell on oath states that, as stenographer to the

A No sir, he swore that they were not married.
Q You don't know that they were not married?
A No, anything about it.

and you not have known about it?
A Yes sir. I don't
Q Will H. Jenkins and this white woman could have been married
two of them when she came there.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of ELIAS H. JENKENS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

HENRY W. JENKENS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Henry W. Jenkins.
Q What is your post office, and your age ?
A Vinita, I. T., and my age is thirty one.
Q Were you acquainted with Elias H. Jenkins, who was an applicant before this Commission for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir, he was my father.
Q Is he living at this time ? A No sir.
Q When did he die ? A The 26th of September.
Q Of 1902 ? A Yes sir.
Q Was his wife a Cherokee citizen ? A Yes sir.
Q What was her name ? A Armina.
Q Is she living or dead ? A She's dead.
Q Was she your mother ? A Yes sir.
Q How long has she been dead ? A She died in '78, I think.
Q Was Elias H. Jenkins ever married after the death of your mother ? A Not as I ever knowed of. I have made my home with him all the time.
Q Have you made your home with him and lived in the same house with him all the time ? A Yes sir, until I married.
Q When did you quit living with him ? A In '93, I guess. I have lived in a half a mile of him all the time.
Q He was never married to your knowledge ? A No sir.
Q Was he still a widower and a single man on the first day of September, 1902 ? A Yes sir.
Q How long, to your knowledge, has Elias H. Jenkins lived in the Indian Territory; to your knowledge ? A Ever since 1866.
Q You don't know it of your own knowledge ?
A I have some half brothers though, that are older, and he raised the family.
Q Your mother was his last wife ? A Yes sir.
Q When did she die ? A In 1878.

The Commission: The applicant presents original letters of administration, issued by the United States Court for the Northern District of the Indian Territory, on the 28th day of September, 1902, on the estate of Elias H. Jenkins, deceased. The same is returned to him, and he is requested to file with the Commission a certified copy of the same.

Witness examined by J. C. Starr:

- Q After the death of your mother did your father ever live with any other woman as his wife ? A No sir.
Q Have you a half sister by the name of Landrum living near Vinita ? A No sir, I don't claim her.
Q Who is her mother ? A Miss Hunt.
Q Didn't Elias H. Jenkins live with this Hunt woman as his wife for a number of years ? A No sir, he never did own her as his wife.
Q Did she ever live there with him ? A Yes sir, she came there and cooked there for us all the time.
Q How long ? A She come there, I think, in about a year after my mother died. I was quite a small chap.

Q How long did she stay there ?
A She stayed there until she died. She died in February, 1898,
I believe.
Q When did she come there ? A She came there about '79,
I guess.
Q In 1879 ? A I think so.
Q And stayed at your father's place until 1898 ? A Yes sir.
Q How many children did she have while staying there ?
A Three.
Q What were their names ? A No children then.
Q What were their first names ? A Bertha Landrum, Elmer,
and Cleveland, and she had an older one that was about a year or
two old when she came there.
Q Elias H. Jenkins said this white woman could have been married
and you not have known about it ? A Yes sir. I don't
know anything about it.
Q You don't know that they were not married ?
A No sir, he swore that they were not married.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this November 13, 1902.

B. C. Jones
Notary Public.

Cherokee Nation)
Delaware Dist)

To any Regular minister
of the gospel to Execute

or any of the Judges of this) and Return greeting
Nation).

You are Hereby commanded
to Solmnize the Right of Matrimony of marriage
Between Elias H. Jenkins and Armindy J.
Crimsher a Female Cherokee. ~~the-said-~~
with according to the ceremony usly
observed in you Respectfully Chuches
the said Elias H. Jinkins having
fulfiled the Requirements of the Laws
of the Cherokee Nation in Regard
to mariags and with according
to the act past by the National
Council Bearing Date October
15th 1855.

Given from Under
My Hand officaly this the 28 Day
of April 1867.

T. I. McGhee Clerk D.C.D.D.

C.N.

CHEROKEE NATION)
Delaware District.)

I hereby certify that I married the within named parties
this April 28th, 1867.

Eli,
Judge.

I, the undersigned, Official Interpreter for the Cherokee
Land Office, hereby certify that the foregoing is a true and
correct translation of the original, which was written in the
Cherokee language.

.. Simon R. Walkingstick

Subscribed and sworn to before me this 24th day of January, 1903.

..... John H. Thosson
Notary Public.

I, the undersigned, Chief Clerk of the Cherokee Land Office and
custodian of the records of said Land Office, hereby certify that the
foregoing, consisting of two pages, is a true and correct copy of the
original on file in said office.

.....

Subscribed and sworn to before me this 26th day of January, 1903.

.....

Notary Public.

United States of America,

Indian Territory, SS.

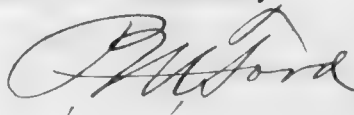
Northern District.

I, Chas. A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify that the change of the name of E.H.Jenkins to Elias H. Jenkins in the attached affidavits was made in the presence of and with the consent of H. W. Jenkins and William Brown.

Witness my hand and the seal of said Court at Vinita, Indian Territory, this 29th, day of October, A. D. 1902.

Chas. A. Davidson, Clerk,

By



Deputy.

7673

IN RE
THE DEATH OF

E. H. Jenkins

a citizen of the

Cherokee

Nation.

190

Approved: C. M. Bucknidge,
Commissioner.

Dec 11 113

IN RE
THE DEATH OF

E. H. Jenkins
a citizen of the

Cherokee Nation.

Approved

190

C. A. Bucknidge
Commissioner.

Encl M 113

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of E. H. Jenkins
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Vinita, Ind. Ter., and died on the 26th day of
September, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN District.

I, H. H. Jenkins, on oath state that I am 31
 years of age and a citizen, by blood, of the Cherokee Nation;
 that my post office address is Vinita, Ind. Ter.; that I am
(Here insert name of post office.)
a son of E. H. Jenkins,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said E. H. Jenkins died on the 26 day of
September, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 16th day of October 1902

Chas. A. Davidson, Clerk
By Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN District.

I, William Brown, on oath state that I am 53
 years of age, and a citizen, by adoption, of the Cherokee Nation;
 that my post office address is Vinita, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with E. H. Jenkins,
(Here insert name of deceased.)
 who was a citizen, by adoption, of the Cherokee Nation;
 and that said E. H. Jenkins died on the 26th day of
September, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 16th day of October 1902

Chas. A. Davidson, Clerk
By Public

Cherokee 7523.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elias H. Jenkins as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 28, 1900, Elias H. Jenkins appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on May 31, 1901, and at Muskogee, Indian Territory, on February 27, and October 14, 1902.

The evidence shows that Elias H. Jenkins, a white man, was lawfully married, under authority of a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on April 28, 1867, to one, Armindy J. Schrimsher, a Cherokee citizen by blood.

The evidence further shows that applicant's wife died in 1876, and he had not remarried up to and including September 1, 1902. The evidence further shows that after the death of his said wife he lived with a white woman, one, Hunt, from 1878 until her death in 1898. It is shown, however, that they were never lawfully married.

The Cherokee Supreme Court, in the case of Lydia Teehee vs. John Teehee, held that since the passage of the marriage law in 1875, "cohabiting for any period does not, under the laws of the Cherokee Nation, constitute marriage."

The applicant has been a continuous resident in the Cherokee Nation since 1867. The evidence further shows that the said Elias H. Jenkins died on September 26, 1902. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the name of Elias H. Jenkins should be placed on the Cherokee roll being made by this Commission, as a citizen by intermarriage of said Nation, in accordance with the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

3472 ✓
William Lundrum

DEPT. OF COMMERCE
COMMISSIONER OF CUSTOMS
RECEIVED
SEP 26 1900

Department of the Interior
Bureau of Indian Affairs
Winita, I. T., September 25, 1900.

I have been asked by the Commission on the subject of the
roll of the Indians of the Winita Reservation; and in answer to the same
is to be submitted as follows:

1. How many Indians? A. 111 Indians.
2. How many? A. 111.
3. How many of the Indians? A. 111.
4. In what year? A. 1900.
5. How many of the Indians? A. 111.
6. How many of the Indians? A. 111.
7. How many of the Indians? A. 111.
8. How many of the Indians? A. 111.
9. How many of the Indians? A. 111.
10. How many of the Indians? A. 111.
11. How many of the Indians? A. 111.
12. How many of the Indians? A. 111.
13. How many of the Indians? A. 111.
14. How many of the Indians? A. 111.
15. How many of the Indians? A. 111.
16. How many of the Indians? A. 111.
17. How many of the Indians? A. 111.
18. How many of the Indians? A. 111.
19. How many of the Indians? A. 111.
20. How many of the Indians? A. 111.
21. How many of the Indians? A. 111.
22. How many of the Indians? A. 111.
23. How many of the Indians? A. 111.
24. How many of the Indians? A. 111.
25. How many of the Indians? A. 111.
26. How many of the Indians? A. 111.
27. How many of the Indians? A. 111.
28. How many of the Indians? A. 111.
29. How many of the Indians? A. 111.
30. How many of the Indians? A. 111.
31. How many of the Indians? A. 111.
32. How many of the Indians? A. 111.
33. How many of the Indians? A. 111.
34. How many of the Indians? A. 111.
35. How many of the Indians? A. 111.
36. How many of the Indians? A. 111.
37. How many of the Indians? A. 111.
38. How many of the Indians? A. 111.
39. How many of the Indians? A. 111.
40. How many of the Indians? A. 111.
41. How many of the Indians? A. 111.
42. How many of the Indians? A. 111.
43. How many of the Indians? A. 111.
44. How many of the Indians? A. 111.
45. How many of the Indians? A. 111.
46. How many of the Indians? A. 111.
47. How many of the Indians? A. 111.
48. How many of the Indians? A. 111.
49. How many of the Indians? A. 111.
50. How many of the Indians? A. 111.
51. How many of the Indians? A. 111.
52. How many of the Indians? A. 111.
53. How many of the Indians? A. 111.
54. How many of the Indians? A. 111.
55. How many of the Indians? A. 111.
56. How many of the Indians? A. 111.
57. How many of the Indians? A. 111.
58. How many of the Indians? A. 111.
59. How many of the Indians? A. 111.
60. How many of the Indians? A. 111.
61. How many of the Indians? A. 111.
62. How many of the Indians? A. 111.
63. How many of the Indians? A. 111.
64. How many of the Indians? A. 111.
65. How many of the Indians? A. 111.
66. How many of the Indians? A. 111.
67. How many of the Indians? A. 111.
68. How many of the Indians? A. 111.
69. How many of the Indians? A. 111.
70. How many of the Indians? A. 111.
71. How many of the Indians? A. 111.
72. How many of the Indians? A. 111.
73. How many of the Indians? A. 111.
74. How many of the Indians? A. 111.
75. How many of the Indians? A. 111.
76. How many of the Indians? A. 111.
77. How many of the Indians? A. 111.
78. How many of the Indians? A. 111.
79. How many of the Indians? A. 111.
80. How many of the Indians? A. 111.
81. How many of the Indians? A. 111.
82. How many of the Indians? A. 111.
83. How many of the Indians? A. 111.
84. How many of the Indians? A. 111.
85. How many of the Indians? A. 111.
86. How many of the Indians? A. 111.
87. How many of the Indians? A. 111.
88. How many of the Indians? A. 111.
89. How many of the Indians? A. 111.
90. How many of the Indians? A. 111.
91. How many of the Indians? A. 111.
92. How many of the Indians? A. 111.
93. How many of the Indians? A. 111.
94. How many of the Indians? A. 111.
95. How many of the Indians? A. 111.
96. How many of the Indians? A. 111.
97. How many of the Indians? A. 111.
98. How many of the Indians? A. 111.
99. How many of the Indians? A. 111.
100. How many of the Indians? A. 111.

roll of the Indians of the Winita Reservation, and in answer to the same
is to be submitted as follows:

to the Commission on the subject of the
roll of the Indians of the Winita Reservation, and in answer to the same
is to be submitted as follows:

Prince C. Jones

[Signature]

Exhibit 10-3

II

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

C N. 143
Proof of Service made
and original filed with the
DAWES COMMISSION
FEB 17 1902

NOTICE!

IN THE MATTER OF the application of Elias Jenkins
for enrollment as Cherokee citizens:

Case No. 5723

To Elias Jenkins or Wade S. Stanfield his attorney.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 27th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 13th day of February, 1902.

W. W. Hastings
Attorneys for the Cherokee Nation.

ATTORNEYS:

L. B. BELL,

W. W. HASTINGS,

JAMES S. DAVENPORT.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

J. C. STARR, SEC.

Please return this letter with your reply or mention this Number F. D.

Huskogee, I. T., Feb. 17, 1902.

Mr. Martha Daniels,

Vinita, I. T.

Dear Sir:

William Landrum, age 24, Cooweescoowee District, says that he is as a full-blood Cherokee Indian, applied for enrollment and stated that he applied for himself and wife, and says:- "He and my wife, but my wife is a white woman, we were married in 1886", that is all he said about his wife, I wish you would make inquiry and find out his wife's name, that is her given name, and who is her mother and father. There is nothing in the testimony to show that she is a daughter of William Elias H. Jenkins; get this information for me at once and write and let us know.

Yours very truly,

ATTORNEYS:

L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAVES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number F. D.

STATEMENT BY J. C. STARR.

In the matter of the application of Elias H. Jenkins, Straight Card No. 7523, a copy of the testimony of William Landrum, who is listed for enrollment on regular Cherokee Card #3472, says that his wife is a white woman and that he married her after the act of December 16th, 1895, and for that reason did not apply for her. Marma Daniels informs me that she is a daughter of Elias H. Jenkins by his last wife who is a white woman; and it seems to me that ~~this~~ this man William Landrum, whose post-office is Vinita, I. T. would be a good witness in this case.

CHEROKEE

R193

193

Eliac H. Jenkins.

192

193

Nov 21, 1921. Jacket filed and all
papers transferred to
Commissioner of Cherokee
No. 7111.

Cher R 194

Cher R 194

R 194

2

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 1 1900

REPORT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
IN THE YEAR 1900

THE COMMISSION TO THE FIVE CIVILIZED TRIBES
WAS ORGANIZED BY ACT OF CONGRESS
MARCH 3, 1891, AND HAS SINCE THAT TIME
BEEN ENGAGED IN A STUDY OF THE
PROBLEMS OF THE FIVE CIVILIZED TRIBES
AND IN THE PREPARATION OF A REPORT
TO THE DEPARTMENT OF THE INTERIOR
ON THE RESULTS OF ITS WORK.

THE COMMISSION HAS BEEN LUCKY ENOUGH
TO HAVE BEEN ASSISTED BY A NUMBER OF
EXPERTS IN THE FIELD OF INDIAN
AFFAIRS, AND IT HAS BEEN A PLEASURE
TO BE ABLE TO SECURE THE CO-OPERATION
OF THESE EXPERTS IN THE PREPARATION
OF THIS REPORT. THE COMMISSION HAS
ALSO BEEN ASSISTED BY A NUMBER OF
INDIAN AGENTS AND OTHER OFFICIALS
WHO HAVE BEEN KIND ENOUGH TO
FURNISH IT WITH THE NECESSARY
INFORMATION AND ASSISTANCE.
THE COMMISSION HAS BEEN AWARE OF THE
IMPORTANCE OF THIS REPORT, AND IT HAS
BEEN ANxious TO SECURE THE MOST
COMPLETE AND ACCURATE INFORMATION
POSSIBLE. IT HAS BEEN A PLEASURE
TO BE ABLE TO SECURE THE CO-OPERATION
OF THESE EXPERTS IN THE PREPARATION
OF THIS REPORT. THE COMMISSION HAS
ALSO BEEN ASSISTED BY A NUMBER OF
INDIAN AGENTS AND OTHER OFFICIALS
WHO HAVE BEEN KIND ENOUGH TO
FURNISH IT WITH THE NECESSARY
INFORMATION AND ASSISTANCE.

THE COMMISSION HAS BEEN AWARE OF THE
IMPORTANCE OF THIS REPORT, AND IT HAS
BEEN ANxious TO SECURE THE MOST
COMPLETE AND ACCURATE INFORMATION
POSSIBLE. IT HAS BEEN A PLEASURE
TO BE ABLE TO SECURE THE CO-OPERATION
OF THESE EXPERTS IN THE PREPARATION
OF THIS REPORT. THE COMMISSION HAS
ALSO BEEN ASSISTED BY A NUMBER OF
INDIAN AGENTS AND OTHER OFFICIALS
WHO HAVE BEEN KIND ENOUGH TO
FURNISH IT WITH THE NECESSARY
INFORMATION AND ASSISTANCE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:
VINITA, I.T., SEP., 29, 1900.

In the matter of the application of Addison A. Buxton for enrollment of himself, wife and two children, as citizens of the Cherokee nation, said Buxton being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Addison A. Buxton.
Q Your age? A 35.
Q Your postoffice? A Velsco.
Q In what district do you live? A Delaware.
Q Who do you want to have put on the rolls? A Myself, wife and two children.

Q Are you a Cherokee by blood? A Cherokee by adoption.

Q Is your wife a Cherokee? A Yes.

Applicant presents duly authenticated license and certificate showing that he was united in marriage in accordance with Cherokee law on September 15th, 1897, by the Clerk of Cooweescoowee district to Miss Susie England. It is filed herewith.

Q Have you and your wife lived together in the Cherokee nation ever since you married her? A Yes.

Q How old is your wife? A 29.

Q Is she a native Cherokee? A Yes.

Q Lived here all her life? A Yes, as far as I know.

Q What is her father's name? A Benjamin Cornelius England.

Q Dead or alive? A Alive.

Q Cherokee or white man? A Cherokee.

Q What is her mother's name? A Jency.

Q Cherokee or white woman? A White woman.

Q Is she living? A Yes.

Q Give me the names of the children, please? A William C., 2 years old.

Q Next? A James F., 23 days old.

Applicant's wife on '80 roll, page 253, number 938, as Susan C. England.

Applicant's wife on '96 roll, page 466, number 1028, as Susan Ann England.

The applicant applies for the enrollment of himself, wife and two children. His wife is identified on the '80 and '96 rolls as a native Cherokee. She has lived in the Cherokee nation all her life, and her change of name is established by the marriage license and certificate filed herewith. She will now be listed for enrollment as a Cherokee citizen by blood. When proper certificates of birth are supplied for the two children named in the testimony they, also, will be listed for enrollment as Cherokees by blood.

The applicant is shown to have been married to his wife in '97, too late in accordance with the Cherokee law of '95 to acquire rights of citizenship by intermarriage. The application for his own enrollment is rejected.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of October, 1900.

C. H. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900

"Q"



ACTING CHAIRMAN

194

DELAWARE.

Statement of Applicant To be Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

1 Name *William C. Weston, also D*

District _____ Year _____ Page _____ No. _____

Citizen by blood *no* Mother's citizenship _____

Intermarried citizen *yes*

Married under what law *Cher law* Date of marriage *1900*

License _____ Certificate _____

2 Wife's name _____

District _____ Year _____ Page _____ No. _____

3 Citizen by blood *yes* Mother's citizenship *Cher law*

Intermarried citizen *no*

Married under what law _____ Date of marriage _____

License *Filed* SEP 1900 Certificate *Filed* SEP 1900

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Marriage License, C. A. H. H. H.

R 194

Q 1914

The first of these is the fact that the Government has been unable to secure the cooperation of the private sector in the development of the country's resources. This is due to a number of factors, including the lack of capital, the absence of a sound legal system, and the failure of the government to provide adequate infrastructure.

—

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 4, 1902

In the matter of the application of Nancy Ann Lewis for the enrollment of herself and two children as Cherokee Freedmen; said Lewis being sworn and examined, testified as follows:

Appearances:

L. T. Brown, Vinita, I. T., Agent for applicants;
W. W. Hastings, Cherokee Representative.

BY THE COMMISSION:

- Q What is your name? A Nancy Ann Lewis.
Q How old are you? A 25.
Q Your post office address? A Dora.
Q What district in the Cherokee Nation are you living? A Sequoyah
Q You apply for enrollment as a Cherokee freedman? A Yes, sir.
Q Have you any children that you apply for? A Two.
Q What is the name of the oldest one? A Georganna.
Q How old is she? A Going on nine.
Q The next child? A A Tennessee.
Q How old is she? A Going on eight.
Q Is that all, just these two children? A Yes, sir.
Q Are they both living? A Yes, sir.
Q Are they both living with you? A Yes, sir.
Q What is the name of your father? A Tom Bell.
Q What is the name of your mother? A Nancy Bell.
Q Are they both living? A Yes, sir.
Q Are they both Cherokee freedmen? A Yes, sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation?
A Yes, sir.
Q Ever drawn any money? A Yes, sir.

1880 and 1896 rolls of citizens of the Cherokee Nation examined and names of applicants not found thereon.

Kern-Clifton roll of Cherokee freedmen examined and names of applicants found thereon:

Page 182, #4470, Nancy Ann Bell, (district not given.)

Page 182, #4471, Georgianna Lewis, "

Page 182, #4472, Tennessee Lewis, "

Wallace roll of Cherokee freedmen examined and name of applicant found thereon, page 191, #3476, Nancy Ann Bell, (district not given.)

---000000000---

Commission: Nancy Ann Lewis applies for the enrollment of herself and two children, Georgianna Lewis and Tennessee Lewis, as Cherokee freedmen. The applicant is duly identified on the Kern-Clifton roll of Cherokee freedmen and Wallace roll of Cherokee freedmen. Her two children are duly identified on the Kern-Clifton roll of Cherokee freedmen. In view of the fact that the applicant's father, Thomas Bell, whose name appears on Cherokee freedmen card No. R.188, has been listed for rejection because he did not return to the Cherokee Nation until the spring of 1867, the applicant which Nancy Ann Lewis makes for the enrollment of herself and two children will likewise be listed for same rejection. It is directed that copies of the testimony of the applicant's father, Thomas Bell, R.188, be filed with and made part of the record in this case.

-2-

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. C. Resser
Stenographer.

[Handwritten signature]

le

Riatt

CC

ITA
JAN 5 1972

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Addison A. Buxton, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

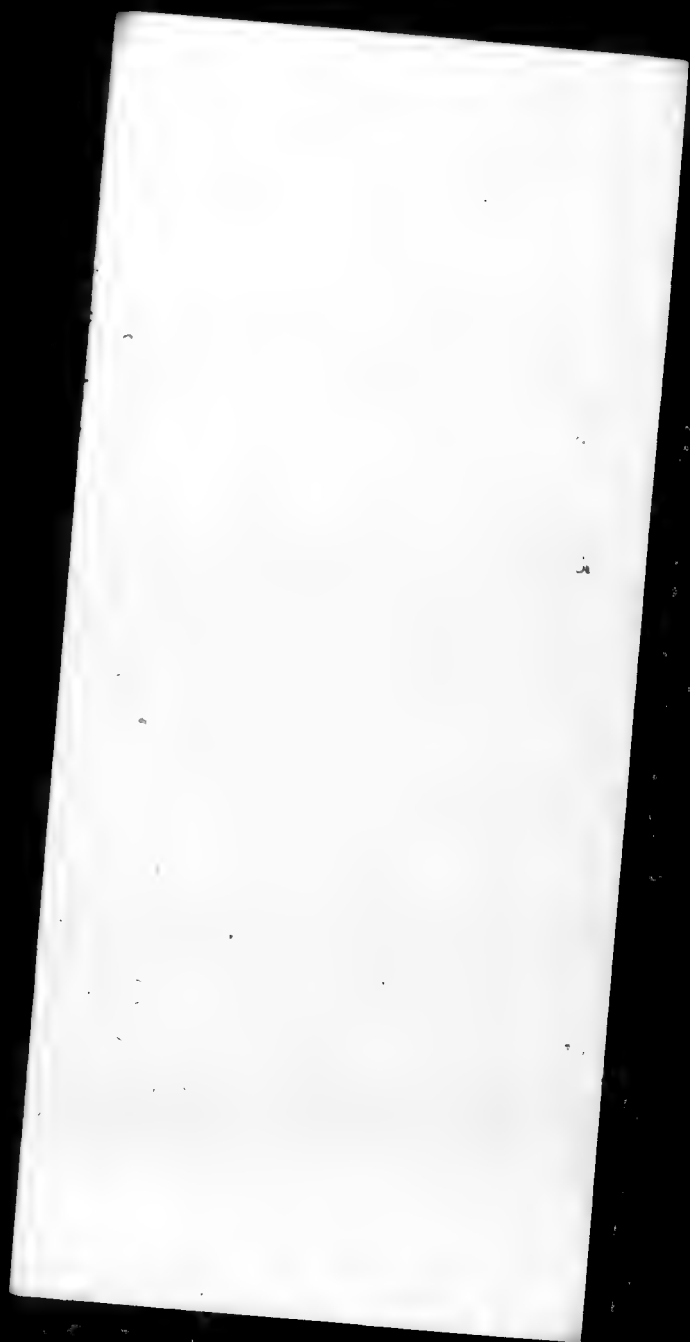
This application will be found in said decision as number R. one hundred and ninety-four, it is entitled Addison A. Buxton, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-184.



CB

Cherokee R 194

Muskogee, Indian Territory, January 28, 1902

Mr. Adelson A. Buxton,

Kelso, Indian Territory.

Sir:-

On the 29th day of September, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1890 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the Dawes Commission, shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said roll the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 14, 1896. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares, or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 14, article 36, sections 159 to sec. 669, inclusive pages 329 to 344, of the Compiled laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 14th day of September, 1897; to one Suzie England, a citizen by blood of the Cherokee Nation; that you and your said wife have lived together continuously since your marriage; that you are not identified on the Cherokee Census roll of 1896, and that you base your application for enrollment upon the foregoing mar-

R 194 3

riage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,

Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

647
D

273 inclosures.

12966.

I.T.D. 312-1002.
R. 0.5502.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Addison A. Buxton, memorandum R. 194, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with the decision of the Department of even date in the case of Wm. J. Smith, memorandum R. 553.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 194.

Muskogee, Indian Territory, March 14, 1902.

Addison A. Burton,

Kelso, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN FULLY TO THE FOLLOWING

Cherokee R-194.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Addison A. Burton, Cherokee No. R. 194, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th., day of February 1902.

Very respectfully,

C. R. Breckinridge
Commissioner in Charge.

Cher R 195

Cher R 195

NET 1990

— 1000 —

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 29, 1900.

In the matter of the application of John E. Smith for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Smith being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John E. Smith.
Q What is your age? A 27.
Q What is your post office address? A Chouteau.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? Yes, sir.
Q How much by blood or intermarriage? A Intermarriage.
Q For whom do you apply? A My wife and child.
Q Yourself? A Yes, sir.
Q What is the name of your wife? A Artha D. Herrin.
Q How old is she? A 19.
Q What is her father's name? A I do not know, he has been dead a long time.
Q What is her mother's name? A Caroline.
Q Is she living? A No, sir.
Q Have you any proof of marriage? A I have witnesses here.
Q Why haven't you a certificate of marriage? A They never issued me any certificate. I was married under Cherokee law.
Q When were you married? A 1897.
Q Have you any children? A Yes, sir, one.
Q What is its name? A Ethel.
Q How old is it? A Five months old.
Q Have you proof of birth? A Yes, sir.

Applicant presents satisfactory proof of birth as to his child Ethel, five months old, whose name does not appear upon the census roll of 1896, having been born since said roll was compiled.

- Q You say your wife's name was Artha; what was her mother's name?
A Caroline M. Herrin. She was not admitted until 1883.

Applicant presents certificate of Admission to Cherokee citizenship, issued from the office of the Commission, Tahlequah, September, A. D. 1883, signed by James Tahse, President of the Commission, Alexander Wolf and T. F. Thompson, Commissioners, attested by D. W. C. Duncan, Clerk of the Commission, certificate certified to by D. W. Alberty, Asst. Executive Secretary, under the great seal of the Cherokee Nation, certifying that among others one Arther Herrin was admitted to Citizenship on the 7th day of September, 1883.

- Q Is your wife the identical Arther Herrin mentioned in this certificate? A Yes, sir.
Q She is living now? A Yes, sir.
Q Was she ever married before? A No, sir.
Q Were you ever married before? A No, sir.
Q Were you ever admitted to citizenship? A No, sir.
Q Did you ever apply? A No, sir.
Q Is your wife's name on the roll of 1896? A I think so.
1896 enrollment; page 184, #2458, Artha D. Herrin, Cooweescoowee.

- Q How long has your wife been living in the Cherokee Nation? A Ten years.

Interrogatories by P. C. West, Cherokee Representative:

- Q Right after their Admission in 1883, they left the Territory and did not come back until 1890, did they? A I think so.
Q That is a fact is it? A I could not say.
Q That is your understanding? A Yes, sir.
Q You say that you did not make application to the Dawes Commission in 1896. You were included in the case of Emily T. Smith, your mother, and all of these applicants in that case were rejected? A Yes sir.

John E. Smith---2.

Commissioner Needles:

Q Were ~~you~~ you living here in 1898? A Yes, sir.
Q Been living here ever since 1889 or 90 when we came back.

Com'r Needles:--The name of Artha D. Herrin appears upon the census roll of 1896. Applicant avers that he was married to her in the year 1897. He presents certificate of Admission certifying that his ~~wife~~ wife was admitted to citizenship in the year 1883. The testimony shows that they removed from the Territory and did not return until the year 1890. Satisfactory proof has been made as to the birth of their child, Ethel. By reason of their removal from the Territory and not having been re-admitted after their return, ~~the~~ final judgment as to the enrollment of the said Artha D. Herrin and her child, Ethel, will be suspended and their names will be placed upon a doubtful card.

It appearing from the testimony that the said Artha D. Herrin was married to one John E. Smith, the applicant, a white man, in the year 1897, too late under the laws of the Cherokee Nation for intermarried persons to receive any rights to citizenship, the applicant of the said John E. Smith for the enrollment of himself is refused. The cause of his rejection is also from the fact that he applied to the Dawes Commission for enrollment as a citizen by blood in the year 1896, in the case of Baseline Smith et al., and his application was rejected by said Commission.

The Cherokee nation protests against the enrollment of the said Artha D. Smith, nee Artha D. Herrin, and her child, because of the fact of their removal from the Territory, and non-readmittance after their return. See Dawes Commission Case #4549.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2d day of October, 1900.

[Signature]
Commissioner.

13
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900



ACTING CHAIRMAN.

A 140-

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

John E. Smith
Name

Year Page No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

Year Page No.

District

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Husband of Anna E. Smith

~~0467~~ R195

4

R190

1

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John E. Smith, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and ninety-five, it is entitled John E. Smith, and is known as a Cherokee rejected case.

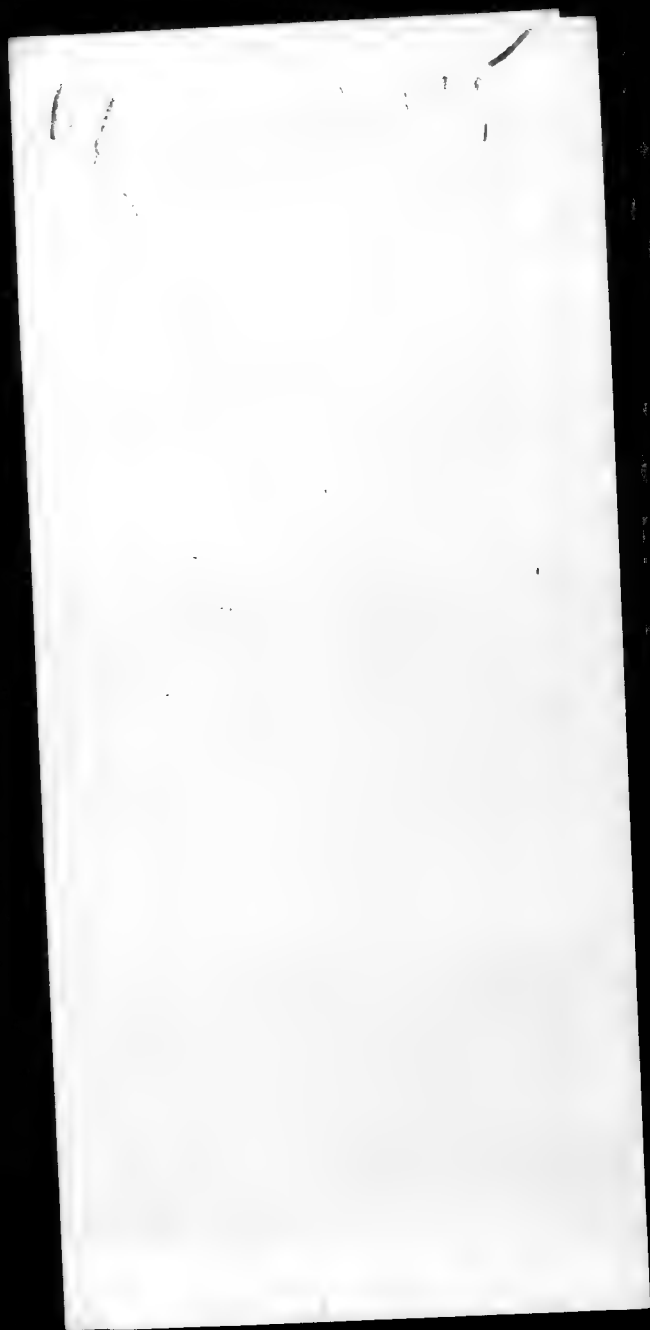
Respectfully,

Through the Commissioner

of Indian Affairs.

Acting Chairman.

Encl. C-195.



COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.....190....

John R. Smith,

Chouteau, I. T.

Dear Sir:

On the 29th day of September, 1900,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the **18th** day of **October, 1897**, 190 , to one **Artha D. Herrin,**

a citizen by blood of the Cherokee Nation, ~~and you were~~

~~not a citizen by blood of the Cherokee Nation~~, that you are **not**

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * *

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stat., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter III, Article XVI, Sections 689 to Sec. 699, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-3-

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

047
B

273 inclosures.

18908.

I. T. D. 804-1902.
D. C. 3408.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of John E. Smith, case R. 195, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R 335.

Respectfully,

Thos. Ryan,
Acting Secretary.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

Chero. R 195.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1903.

John E. Smith,

Chouteau, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1903.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-195.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John E. Smith, Cherokee No. R. 195, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. A. Breckinridge
Commissioner in Charge.

INDEXED R193

17632

DEC 21 1901

in the Journal;
that in 1871,
December.

EMBROKEE.

Stable where he received his
education, and being well
educated, he had been
employed as an Asker here,
to get it, & so forth.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UN-CIVILIZED TRIBES.

FILED

IAN 3 1902

1902
[Signature]
ACTING CHAIRMAN.

1, Dec 20th 1901. Of course I.T.
to the Hon. J. W. G. -
Manager I.T.

I need to say to you
or at least to the I.T.
in the October 1897
by Rev. H. G. J. and
and in the same
referred to the creek
of a small stream
in accordance to the
Creek.

The following account
of the creek account of
to the Hon. J. W. G. and
at the same time
I have to say to you
as to the creek
it is I believe all

To obtain the same
 from the authorities
 of the Empire records.
 They claimed that there
 was no record of it
 there so you will
 see that there is some
 possibility of my being
 forgotten in the matter
 & that is the reason
 that I thought to make
 this - perhaps it needs
 to be asked of you
 ask you to do it
 If you can or obtain
 the same I will be

3

and I am sure that
you will find it
it will be a pleasure
to you. I am sure
that you will find it
the character of the
There is a great deal
of interest in the
and I am sure that
you will find it
yours. Respectfully

P.S. The name of the
See the name of the
~~author~~ author

D.

R195

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 8 1902



ACTING CHAIRMAN.

OFFICERS:
T. M. BUFFINGTON, CIRCUIT JUDGE, Vinita.
WATT STARR, DISTRICT JUDGE, Claremore.
WILLIAM H. FRY, CLERK, Claremore.
J. C. WARD, SHERIFF, Foyil.
JAMES L. TAYLOR, SOLICITOR, Claremore.

OFFICE OF
DISTRICT CLERK,
COOWEESCOOWEE DIST., C. M.

TERMS OF COURT:
CIRCUIT COURT:
First Monday in June and Fourth
Monday in September.
DISTRICT COURT:
First Monday in January and July.

Claremore, Ind. Ter., January 13th 1898

Mr. John E. Smith,

Chouteau, Ind. Terr.

Dear Sir:

I find on
file in this office License and Certificate
of Marriage between Mr. John E. Smith and
Miss Dee Herrin, on receipt of one
Dollar (\$1.00) will record and return to you.
Very Respectfully,
Wm. H. Fry, Clerk.

6 R195

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 10 1902

 ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Memorandum of January 10 1902

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of
John E. Smith for enrollment as
citizens of the Cherokee Nation.

No. B195

J. H. Flanders
Atty for applicant.

Cher R 196

Cher R 196

R196

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 56 1900

ACTING CHAIRMAN

EXHIBIT AS TO APPLICANTS

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash. D. C., September 29, 1900.

In the matter of the application of John Hawkins for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Brockbridge as follows:

Q Give us your full name? A John Hawkins.
Q How old are you? A 33.
Q What is your post-office? A Fairland.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A My wife and myself.

Q How many children? A None.
Q Just yourself and wife? A Yes sir.
Q Are you a Cherokee by blood? A No sir, I am a white man.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Have you got a marriage license and certificate? A Yes sir (Produce papers).

Q What is your wife's name? A Biddie Lamar.
Com'r Brockbridge: The applicant presents a duly authenticated Cherokee license and certificate, the license issued May 6 1896, by the Clerk of Delaware District, authorizing his marriage to Miss Biddie Lamar; the certificate shows that they were married on May 10th of the same year by the Rev. J. H. Hogan; these papers are filed herewith.

Q Have you lived all your wife ever since your marriage to her? A Yes sir.

Q And lived in the Cherokee Nation? A Yes sir.

Q How old is your daughter? A She is 25.

Q Was she born in the Cherokee Nation? A Yes sir.

Q Has she lived here all of her life? A Yes sir.

Q What is her father's name? A Bill Lamar.

Q What is her mother's name? A Polly Lamar.

Q Is William Lamar dead? A Yes sir.

Q How long has he been dead? A About 20 years.

180 roll examined for wife and name not found.

180 roll page 473 31364 Biddie Hawkins Delaware Dist, active.

180 roll page 374 32336 John Hawkins, Delaware Dist, act.

POLLY BROWN, being sworn and examined by Commissioner Brockbridge as follows:

Q What is your full name? A Polly Brown.

Q You are the mother of Billie Hawkins Brown? A Yes sir.

Q Was she born in the Cherokee Nation? A Yes sir.

Q Has she lived here all of her life? A Yes sir.

Q Why is she not on the roll of 1890, just through some one's neglect? A Just through somebody's neglect I reckon.

Q How old is she now? A Yes sir.

Q And her name ought to be on there, in your opinion? A It looks to me like she ought to be on there.

Q What amount of Cherokee blood was you got in your father? A Well-bred.

Q And her father, what was he? A A quarter Cherokee.

Com'r Brockbridge: The applicant applies for the enrollment of himself and his wife; his wife is identified on the roll of 1890 and her mother is identified on the roll of 1890; she is identified on the roll of 1890 as her mother and all the family are identified on the roll of 1890 except that the applicant's wife; the mother testifies that the applicant's wife was born in the Cherokee Nation and lived here all of her life, and it is clear that she could only have been omitted from the roll of 1890 through neglect;

John McKinney and wife 3

her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood.

The applicant, identified on the roll of 1880, he is shown to have married his wife in accordance with Cherokee law in 1896. They have lived together ever since their marriage, but his marriage is not valid under the Cherokee law for him to acquire a right to be enrolled at this time; therefore his application for his own enrollment must be rejected.

M.D. Dr. W., being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Dr. W.

Subscribed and sworn to before me this 29 day of September 1900.

C. M. McKinney

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 29 1900

 ACTING CHAIRMAN.

K 196

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

33
Name John Hawkins, Fairland, D.

District DELAWARE. Year 1900 Page 377 No. 209

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes.

Married under what law 1. Date of marriage 11

License Certificate

Wife's name

District Year Page No.

Citizen by blood No. Mother's citizenship 1.

Intermarried citizen

Married under what law Date of marriage

License Filed SEP 1900 Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

R196

(14)

MARRIAGE LICENSE.

CHEROKEE NATION, Delaware District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. John Hawkins,
a citizen of the United States, and M^{iss} Biddy Lamar
a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 6th
day of May 1896.

(SEAL)

(Signed) J. R. Hastings

Clerk Delaware District

Endorsed: Recorded this the 22nd day of May 1896. J.R.Hastings C.D.D.

I, J. H. Hogan a Minister of the Gospel do hearby certify that
I did on the 10th day of May 1896 unite in Marriage John Hawkins
and Biddy Lamar as commanded in the Foregoing Licens in prasance of,
Sam, Bowman B T Chanley Wm Angel, and other

All of Fairland I T

(Signed) J.H.Hogan M G

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., March 24 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of John
Hawkins as citizen of the Cherokee Nation.


Commissioner.

E R196.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 30 1902



ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John Hawkins, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and ninety-six, it is entitled John Hawkins, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-196.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BERRY,
THOMAS B. NEEDLER,
C. R. BRANCHARD.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory January 28, 1902.

John Hawkins,

Fairland, I. T.

Dear Sir:

On the 29th day of September, 1902,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that.....you were.....

married on the 10th day of May, 1896....., 190....., to one Biddie Lamar,.....

.....a citizen by blood of the Cherokee Nation, that you and your

.....have lived together continuously since your marriage, that you are.....

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * *

In view of the law and testimony in this case the application for the enrollment of.....
yourself.....as an intermarried citizen of the Cherokee Nation has
this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to.....you.....as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Encl. C-196.

Register.

By.....

Acting Chairman.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAY
D

273 inclosures.

1
12005.
I. T. D. 815-1902.
D. C. 3501.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of John Hawkins, memorandum R 196, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of even date in the case of Wm. J. Smith, memorandum R 333.

Respectfully,

Thos Ryan,
Acting Secretary.

1
COMMISSIONERS
HENRY L. DAWES,
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

Chero. R 196.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1903.

John Hawkins,

Fairland, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1903, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1903.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-196.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John Hawkins, Cherokee No. R. 196, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior, on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cherokee B-26

Muskogee, Indian Territory, March 25, 1902.

Mr. John R. Hawkins,

Fairland, Indian Territory,

Dear Sir:-

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application your marriage license and certificate showing your marriage on May 10, 1896, to Miss Biddie Lamar.

Your case having been finally disposed of this ^{license and} marriage certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Enc. B-3.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

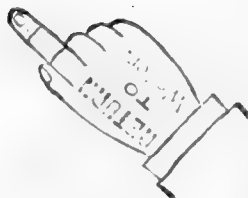
OFFICIAL BUSINESS.

Penalty for private use, \$300.

John Hawkins,

Fairland,

Indian Territory.



24
24

Present Address not known

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

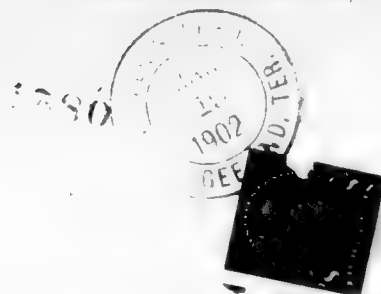
Penalty for private use, \$300.

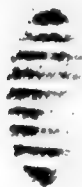
Pay



~~John Hawkins,~~

~~FAIRLAND, Indian Territory.~~





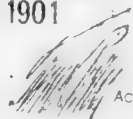
Cher R 197

Cher R 197

R 197

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 22 1901



ACTING CHAIRMAN.

"D" #471.
"R" #197.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 29th, 1900.

IN THE MATTER OF THE APPLICATION OF John B. Gray for enrollment of himself and his wife and his wife's sister, a minor child, as Cherokee citizens, and also for the enrollment of his own child, Cecil Gray.

The said John B. Gray, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A John B. Gray.

Q How old are you? A Twenty nine years old.

Q What is your Postoffice address? A Afton.

Q What district do you live in? A Delaware District.

Q Are you a recognized citizen of the Cherokee Nation?

A Only by intermarriage.

Q By intermarriage? A Yes sir.

Q For whom do you apply? A For my wife and my wife's sister.

Q And yourself? A Yes sir, myself and myself.

Q When were you married? A In 1898.

Q What is your wife's name? A Ona Gray.

THE COMMISSIONER: The applicant presents marriage license, duly authenticated, and a marriage certificate certifying that he was married to one, Ona Pierce, on the 27th day of April, 1898.

Q Were you married by United States law at the same time?

A Yes sir.

THE COMMISSIONER: And he presents also marriage license and certificate, certifying that he was married according to the law of the United States on the 8th day of April, 1898.

Q How old is your wife? A She is twenty one years old.

Q What degree of Indian blood has she? A I don't just know what degree she has.

Q What is her father's name? A Tom Pierce.

Q Is he living? A No sir.

Q What is her mother's name? A Josie.

Q Is she living? A No sir.

Q How long have you lived in the Cherokee Nation?

A I have lived in the Cherokee Nation a little over six years.

Q Were you ever married before? A No sir.

Q Was your wife ever married before? A No sir.

Q Have you been living continuously with your wife since you were married? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q What are the names of your children? A Cecil Gray.

Q How old is Cecil? A He will be seven months old next month.

THE COMMISSIONER: The applicant presents satisfactory proof of birth of his child, Cecil Gray, whose name does not appear upon the census roll, having been born since said roll was compiled.

Q Was your wife's name on the 1890 Roll? A No sir, I do not think it is.

Q By what right does she claim citizenship? A Well, I have some papers here.

Q Let's see them? (Exhibiting papers) Her name does not appear on those. A She gets citizenship through that: Her mother's name is on there somewhere.

Q What is her mother's name? A Josie Pierce.

Q There is no body's name on here but Dawson? A Well, my wife's mother was a Dawson.

Q What was the name of your wife's mother? A Josie.

Q Is she living? A No sir, she is dead.

Q Well sir, we can't enroll you until you have got some evidence: You have got no evidence here; if these are all the papers you have got. (Applicant hands more papers to Commissioner)

Q Your wife's name is not on here at all: You say her mother's name was Dawson? A Yes sir, her name was Pierce on that one.

Q Her name is not on here: You will have to bring some other evidence: There is no Pierce here at all. You say her mother is dead? A Yes sir, her mother has been dead about seven years.

Q Where do you live? A At Afton.

By Mr. Preston C. West, Representative of Cherokee Nation.

Q What relation is your wife to W. A. Dawson? A You mean Doctor Dawson.

Q No, he is not a doctor that I know of.

Q How old is your wife? A She is twenty one years old.

THE COMMISSIONER: The applicant presents a certificate of admission to Cherokee citizenship issued by the proper officers of the Commission on the 11th day of January, 1883, duly certified to, signed by Thomas Teece, President of the Commission, Clark Wolfe and T. F. Thompson, Commissioners, certifying that one, Josephine Dawson was admitted to citizenship on the 11th day of January, 1883. The applicant avers that his wife is the daughter of Josephine Dawson, but he believes that her name was Josephine Pierce. Said certificate of admission is dated 1883.

(1896 Roll, Page 515, #2379, Oma Pierce, Delaware District)
(1896 Roll, Page 446, #2283, Maoma Pierce, Delaware District)

THE COMMISSIONER: The name of the applicant's wife appears upon the census roll of 1896: The name also appears upon the pay roll of 1904. The applicant presents satisfactory proof of marriage to said Oma Pierce according to the laws of the Cherokee Nation, said marriage being solemnized in the year 1898. He avers that his wife's mother was named Josie Pierce, and that she was admitted by that name in the year 1883, but presents no proof of admission. The only proof as to citizenship presented is the fact that his wife's mother, Josephine Dawson was admitted in the year 1883. He also presents satisfactory proof of birth of the child, Cecil Gray. The testimony shows that the said John B. Gray was married to the said Oma Pierce, who claims to be a citizen by blood, in the year 1898, too late for intermarried whites to receive any rights and benefits as citizens of the Cherokee Nation under their laws: Consequently, the application of John B. Gray for the enrollment of himself will be rejected.

Mr. PRESTON C. WEST (Representative of the Cherokee Nation)

The Nation desires to object to the enrollment of both the others on the ground that the name in the certificate of admission is not the name alleged by the applicant to be the name of his wife or his wife's mother; and further if the name is that of his wife's mother, the Nation objects to their enrollment for the reason that it is alleged that the admission of the Dawsons to citizenship was fraudulently procured.

THE COMMISSIONER:

There being no satisfactory proof as to the citizenship of the wife of the applicant, final judgment as to her application for enrollment will be suspended from the fact that her name does not appear upon any of the rolls, and from the further fact that the Cherokee Nation by its representative protests against the enrollment of Josephine Dawson, the alleged mother of the applicant's wife. Consequently the names of his wife, Oma Gray and his child, Cecil Gray will be placed upon a doubtful card.

THE APPLICANT: I desire to apply for this child.

THE COMMISSIONER:

The applicant applies also for the enrollment of Effie Pierce, a minor child.

Q How old is Effie Pierce? A Seventeen years old.

Q What is her father's name? A Tom Pierce.

Q Is he living? A No sir.

Q What is her mother's name? A Her mother's name is Jessie. Her name was Kelley when she died.

(1896 Roll, Page 515, #2351, Effie Pierce, Delaware District)

Q Did Effie draw money in 1894? A She did in 1896.

Q I am asking about 1894? A Well I don't know.

THE COMMISSIONER: It is averred that Effie Pierce is the child of Jessie Pierce and Thomas Pierce, whose names do not appear upon the authenticated roll of 1890. Her name appears upon the roll of 1896. Final judgment as to the enrollment of the said Effie Pierce will be suspended and her name will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Wm. S. Wellshear.

Subscribed and sworn to before me this 17th day of October, A. D., 1900.

C. R. Breckinridge,

COMMISSIONER.

I, R. R. Cravens, as stenographer to the Commission to the Five Civilized Tribes state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony in the matter of the application for enrollment of John B. Gray et als, the said original transcript having been made by William S. Wellshear.

Subscribed and sworn to before me this 14th day of January, 1901.


COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 28 1900

~~RECEIVED~~
RECEIVED

R197

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

Name John B Gray

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage _____

License _____ ~~Certificate~~ _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ ~~Certificate~~ _____

Names of Children

<u>Arthur</u>	Dist.	<u>1891</u>	Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age
	Dist.		Year	Page	No.	Age

Husband of Anna Gray

1891

R 107

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 22 1901



ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY, "D", #471.

"D" #471.

"R" #197.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., October 4th, 1900.

SUPPLEMENTAL TESTIMONY IN THE MATTER OF THE APPLICATION OF OMA GRAY
FOR ENROLLMENT AS A CITIZEN OF THE CHEROKEE NATION.

John B. Gray, being sworn and examined by Commissioner, T. B.
Needles, testified as follows:

Q What was the name of your wife's mother? A Josephine Dawson.

Q You present a Certificate of Admission to Cherokee citizenship,
duly certified to, dated on the day of January 11, 1883, signed by
the Cherokee Citizenship Committee, approved by D. W. Duncan, clerk
of the Commission, certifying that one Josephine Dawson among
others was admitted to Cherokee citizenship; is Josephine Dawson
the mother of your wife? A Yes sir.

Q Why does ~~your wife's name~~ not your wife's name appear in this
certificate? A I do not know why it does not.

Q What was the age of your wife when this Josephine Dawson was
admitted? A I guess she was three or four years old.

Q Are you her first husband? A Yes sir.

Q How does your wife's name happen to be Josephine Pierce, if her
name was Josephine Dawson? A Josephine Dawson married Pierce.

Q Josephine Dawson married a man by the name of Pierce, and Pierce
was the father of your wife? A Yes sir.

Q At the time your wife was born, Josephine Dawson's name was
Josephine Pierce? A Yes sir.

J. O. Rosson, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings in this case, and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 9th day of October, 1900.

C. R. Breckinridge,

COMMISSIONER.

I, R. R. Cravens, as stenographer to the Commission to the Five
Civilized Tribes state on oath that the above and foregoing is a
full, true and correct copy of the original transcript of the tes-
timony in the matter of the application of John B. Gray et als, said
original transcript having been made by J. O. Rosson, as sten-
grapher.

Subscribed and sworn to before me this 14th day of January, 1901.

R. R. Cravens
[Signature]
COMMISSIONER.

D.

R197

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIRED AND TRIDED

FILED

JAN 30 1902



ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John B. Gray, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. one hundred and ninety-seven, it is entitled John B. Gray, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-187.

8

R 197

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED

JAN 30 1902

ACTING CHIEF

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory

190

Mr. John B. Gray,
Afton, Indian Territory.

Dear Sir:

On the 29th day of September, 1900,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**
married on the **27th** day of **April, 1896** ~~xxx~~, to one **Ona Pierce**

who claims to be a citizen by blood of the Cherokee Nation, that you and your

wife have lived together continuously since your marriage, that you are **not**
identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * *

In view of the law and testimony in this case the application for the enrollment of **yourself** as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1893, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

DAY
D

273 inclosures.

1902.

I. T. B. 612, -1902
D. C. 1890.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

February, 28, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of John B. Gray, R 197, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R 535.

Respectfully,

Thos. Ryan,
Acting Secretary.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

6 here. R 187.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1902.

John B. Gray,

Afton, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 26, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 26, 1902.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee R-197,

Muskogee, Indian Territory, March 13, 1908.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1908, rejecting the application of John B. Gray, Cherokee No. R. 197, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1908.

Very respectfully,

Commissioner in Charge.

Cher R 198

Cher R 198

R 198

IN THE MATTER OF THE APPLICATION OF

Hannah Flippin

FOR ENROLLMENT AS

CHEROKEE CITIZENS.

FEB 1. 1902

Transferred to Vol 1405

CHEROKEE

R 19

Hannah Flippins:

CHEROKEE

Jan 10, 1911. The Cherokee Nation

has been notified that the Cherokee

people are

WITH THE NATION.

Cher R 199

Cher R 199

R 197

a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1900

[Handwritten signature]

[Faint handwritten notes or signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
VINITA, I. T., SEPTEMBER 29th, 1900.

IN THE MATTER OF THE APPLICATION OF Tennessee Picklin and children for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Brockbridge, testified as follows:

- Q What is your full name? A Tennessee Picklin.
Q What is your age? A I am forty five.
Q What is your present office? A Vinita.
Q In what district do you live? A Coowasee.
Q Who is it you wish to have put on the roll?
A Myself and children.
Q How many children? A I have seven.
Q Under twenty one years of age? A No sir.
Q I want those under twenty one, and unmarried? A I have five.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q You applied for admission to the Dawes Commission, did you, in 1896? A Yes sir.
Q Have you lived in the Cherokee Nation ever since you applied in 1896? A Yes sir.
Q Your name is in the application that was made by your mother?
A Yes sir.

It is found, Docket B., Page 404, of the Dawes Commission, Commission Number 5343, that the present applicant applied September 8th, 1896, with her mother and others, for admission to citizenship in the Cherokee nation. The Commission decided unfavorably in the matter of her application. This decision was reversed by the United States Court, Case No. 248. This is final, so far as the power of this Commission to enroll the applicant at the present time is concerned.

- Q Now Madam, were some of these children in that application?
A Yes sir.

- Q Give me the names of your children? A Agness Dorsey.
Q How old is she? A She is seventeen.
Q Next child? A Samuel Picklin.
Q How old is Samuel? A He is thirteen.
Q The next child? A Eugene Picklin, eleven.
Q Next? A Mary Picklin, eight; Leo Mary, six years old.
Q They are all living now, are they? A Yes sir.

The record shows that Agness Picklin, daughter of Tennessee Picklin was denied by the Dawes Commission. Samuel R., Eugene, Mary and Leona Picklin, Tennessee Picklin's children by her late husband were admitted. Therefore, the decision at present is that this Commission has no jurisdiction as regards the application now of Agness Dorsey.

- Q You state that the Agness Dorsey, as you give the name now, is the one intended as Agness Picklin in the records of this decision?
A Yes sir.

In the matter of all those who were refused in Case No. 200, of the United States Court, by the Dawes Commission, the Commission was sustained, and those who were admitted by the Dawes Commission, were, in Case No. 248, as the record appears, rejected by the United States Court. Therefore, it is held at this time, on the theory that these parties had a standing to a certain extent through the action of the Dawes Commission, that Tennessee Picklin, mother of these children, having been rejected by the United States Court, her application now is rejected. Agness Dorsey, never having been accepted by either the Dawes Commission or the United States Court, is rejected for lack of jurisdiction, and a memorandum merely will be made of her application.

As regards the other children, Samuel, Eugene, Mary and Leona P., their application will be rejected, along with their mothers, and

-2-
be placed upon a Doubtful Card, the record being the same in their case, as in the case of their mother.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. P. Owens

Subscribed and sworn to before
me this 2nd day of October, 1900.

H. B. Butler

COMMISSIONER.

199

~~CONFIDENTIAL~~
CHEROKEE

R19

Tennessee Picklin, et al.

199

Jan. 1, 1919. This Jacket cancelled
and all papers transferred to Cherokee
Memo. No 98.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION

Cher R 200

Cher R 200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., KENTUCKY OCTOBER, 1st, 1900.

In the matter of the application of Sarah Simms for the enrollment of herself and husband as citizens of the Cherokee Nation; said Simms being sworn by Commissioner C. K. Breckinridge, testified as follows:

- Q Give me your full name, please? A Sarah Simms.
Q How old are you? A About 60.
Q Who is it you want to have put on the roll? A Just me and my husband.
Q What is your post office? A Fairland.
Q In what district do you live? A Delaware.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q Is your husband a Cherokee by blood or white man? A He is a white man.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Lived here all your life? A Yes, sir.
Q You lived all your life in Delaware district? A Yes, ever since I can remember.
Q What is your father's name? A Robert Berry.
Q Is he dead or alive? A He is dead, long time.
Q And your mother's name? A She was a Nancy Snaders.
Q Is she dead? A Yes, sir.
Q More than 20 years ago? A I can't remember it at all, I was a baby.
Q When were you and Mr. Simms married? A 20th of last June.
Q What was your maiden name when you married him? A Hudson.
Q And when did you and Mr. Hudson marry? A We were married in 1752/
Q He is dead, is he? A Yes, sir.
Q When did he die? A He died 24th day of April, in 1866.
Q And were you a Hudson in 1880 and Hudson in 1896? A All the time, yes, sir.
Q This is your husband here? A Yes, sir.

JAMES R. SIMMS, being sworn and examined, testified as follows:

- Q Give your full name, please? A James R. Simms.
Q How old are you? A About 58.
Q You are the husband of this lady here, Mrs. Sarah Simms, and live in the same District and post office? A Yes, sir.
Q You married her in June of this year? A Yes, sir.
Q You and she are living together at this time as husband and wife? A Yes, sir.
Q Where is your marriage license and certificate? A At Muskogee.
Q In the custody of the Dawes Commission? A Yes, sir.
Q Were you married to a Cherokee wife previous to your marriage to this woman? A No, sir.
Q This is your first marriage to a Cherokee woman? A Yes, sir.
Q You are not upon any rolls of the Cherokee Nation? A No, sir.

1880 enrollment; page 206, #1243, Sarah Hudson, Delaware.
1896 enrollment; page 478, 1360, Sarah Hudson, Delaware.

Com'r Breckinridge:—The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life and she will be listed now for enrollment as a Cherokee by blood. Her marriage is established by her own and her husband's testimony, who appears with her. Her husband and she state that they were married within the present year and that the marriage license and certificate are in the possession of the Dawes Commission at Muskogee. Her husband has no other claim to citizenship except this marriage; therefore, not being upon any roll and having been married after the Cherokee law of 1896, prohibiting the

Sarah Allen—2.

requirement of Cherokee citizenship by intermarriage, the application for his enrollment is rejected.

—OOOOO—

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this third day of October, 1900.

C. M. Huer
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900



ACTING CHAIRMAN

K 200

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

06 Name James E. Simms, Fairland, I.T. Date OCT 1 1900 1 1900.

District Year Page No.

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage June 20, 1900

License At Muskogee Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

R200

1000

Approved: I.C. 1000, 1000
Submitted to the Commission
for the purpose of the
Commission.

It is the policy of the Commission to
maintain the highest standards of
conduct and efficiency in the
service of the public.

Under the provisions of the
Commission, the Commission
shall have the right to
investigate and report on
the conduct of the
Commissioners and the
Commissioners shall be
subject to the same
standards of conduct as
the public officers and
employees of the
Government.

It is the policy of the
Commission to maintain the
highest standards of
conduct and efficiency in
the service of the public.

TO THE COMMISSION
FOR THE PURPOSE OF THE
COMMISSION
JAN 21 902

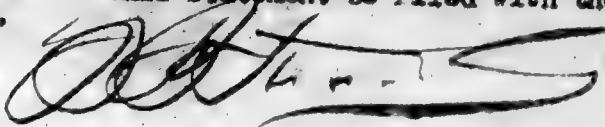
R 200

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T., January 20, 1900.

In the matter of the application of James H. Sims for enrollment as a citizen of the Cherokee Nation.

Upon an examination of the testimony in this case it is found that the applicant stated that his marriage license and certificate was in the custody of the Bureau Commission at Muskogee, Indian Territory; but the records of the Commission have been carefully examined, and the said marriage license and certificate cannot be found.

It is ordered that copies of this statement be filed with the testimony in the above case.



Commissioner.

1 1100

READ 5 1100

1100 1100

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of James E. Simms, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. two hundred, it is entitled James E. Simms, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) *T. D. Needles.*

Acting Chairman.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. R. 200.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

James B. Simms,
Fairland, Indian Territory.

Sir:

On the 1st day of October, 1902,

Your wife, Sarah Simms,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that **you were**

married on the **20th** day of **June, 1900** ~~xxx~~ to one **Sarah Hudson,**

a citizen by blood of the Cherokee Nation, that you and your

wife have lived together continuously since your marriage, that you are **not**

identified on the Cherokee Census Roll of 1895; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of

yourself as an intermarried citizen of the Cherokee Nation has

this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made

known to **you** as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) 

T. B. Needles.

Inclosure.

 **man.**

Register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FEB 11 1902

Muskogee Indian Territory.

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of
notification of its decision, dated FEB 7 1902, in the matter of the application

of **James E. Simms**
Cherokee Nation

for enrollment as a citizen of the

Cherokee Nation P. 200.

W. H. S. King
Attorney for Cherokee Nation

1000

1000

1000

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2063-1902.
D. C. 6224-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of James E. Simms, R 200, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895 quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

CR

ACTING CHAIRMAN

L. R. S.

F.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

■ Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-


Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.


It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.



RECEIVED
APR 13 1962

 ACTING CHAIRMAN

Cherokee-R-200

Muskogee, Indian Territory, April 17, 1902.

Mr. James E. Starns,

Fairland, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-200.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of James E. Simms, Cherokee No. R 200, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

END
OF
ROLL.